

Digitized by the Internet Archive
in 2023 with funding from
University of Toronto

<https://archive.org/details/31761119707412>

SENATE



SÉNAT

CANADA

DEBATES OF THE SENATE

1st SESSION

•

41st PARLIAMENT

•

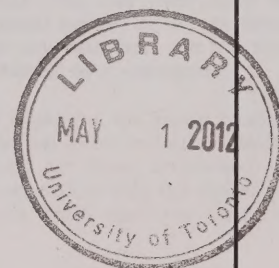
VOLUME 148

•

NUMBER 66

OFFICIAL REPORT
(HANSARD)

Monday, April 2, 2012



THE HONOURABLE PIERRE CLAUDE NOLIN
ACTING SPEAKER

This issue contains the latest listing of Senators,
Officers of the Senate and the Ministry.

CONTENTS

(Daily index of proceedings appears at back of this issue).

Debates Services: D'Arcy McPherson, National Press Building, Room 906, Tel. 613-995-5756
Publications Centre: David Reeves, National Press Building, Room 926, Tel. 613-947-0609

Published by the Senate
Available from PWGSC – Publishing and Depository Services, Ottawa, Ontario K1A 0S5.
Also available on the Internet: <http://www.parl.gc.ca>

THE SENATE

Monday, April 2, 2012

The Senate met at 6 p.m., the Honourable Pierre Claude Nolin, Acting Speaker, in the Chair.

Prayers.

SENATORS' STATEMENTS

OTTAWA REGIONAL CANCER FOUNDATION

FIGHT FOR THE CURE

Hon. Patrick Brazeau: Honourable senators, I have to do this not because I want to, but I have to. It is a good thing we are not televised, but you can tell this to your Liberal colleagues: I am wearing the jersey. However, now I can hide it because of decorum.

Senator Day: Good on you!

Senator Brazeau: I would like to thank all who participated in our journey to "Fight for the Cure." To the people who organized the event, my staff and others, including Final Round Boxing here in Ottawa and to everyone who supported me and contributed to the cause, thank you. Because of you, we all win today.

Some Hon. Senators: Hear, hear!

Senator Brazeau: I also wish to thank Justin Trudeau for his commitment to the cause. I congratulate him on his win.

My first thought at the end of the fight had nothing to do with politics but was for my mom, who lost her battle to cancer in 2004.

Saturday night we won a fight against cancer for her and all of those who are fighting this disease. We were one for the same cause, and that is a memory that I will have forever in my heart.

Team Brazeau made a special effort to bring hope to all Canadians. The team raised more than \$11,000 in personal pledges, an amount above and beyond our initial expectations.

Hon. Senators: Hear, hear!

Senator Brazeau: In total, we raised approximately \$230,000 across this country for the fight against cancer.

Hon. Senators: Hear, hear!

Senator Brazeau: Rather than having a trim, as Justin and I agreed to, I decided to have my hair cut enough so that I can donate the hair to an organization that will make a wig for someone in need.

To my fellow Conservatives and all the donors who supported the cause, the right hook we gave to cancer was the biggest victory. I thank you all for that.

Hon. Senators: Hear, hear!

WORLD AUTISM AWARENESS DAY

Hon. Jim Munson: Honourable senators, as much as I like a good fight, as Senator Duffy knows from days gone by, this is another fight. It is a fight on the issue of autism.

Patrick, congratulations, you have been a good sport.

My statement tonight is on World Autism Awareness Day.

By the way, these gloves came from George Chuvalo. What he said on the gloves here is — and Senator LeBreton will understand this — "Keep punching, Munchkin; I am coming back to town," whatever that meant.

Honourable senators, today is World Autism Awareness Day. The last time I stood before you to discuss Bill S-206, to legally recognize this day in Canada, I spoke optimistically. I said I hoped it would be passed by this date.

Today is April 2, and the bill is still in Parliament, but I remain hopeful. Indications abound throughout this country that Canadians are getting the message about autism. Bill S-206 is now in the hands of house committee members. It has reached this point thanks to the support of all honourable senators and all members of Parliament from all parties. As much as I would like to thank each of them individually and cite their kind and informed statements about the national autism crisis, my time is restricted. How encouraging it is to say that there are too many supporters from all sides to acknowledge in a statement.

I do not feel the need today to highlight the rising numbers associated with autism. We all know that more and more children in Canada and throughout the world are being diagnosed with autism. Each of us has a personal connection with the disorder as well. As a result, we are all much more sensitive about the disorder than we have ever been.

Positive changes are also taking place within the autism community. I would like to give you an example. I was at the University of Victoria about three weeks ago where some incredible software programs are being created for the treatment of autism. The centre's motto is "new tools for different minds."

A young autistic boy there had a lot of fun demonstrating one of the programs for me, a game called FaceMaze, which is a lot like Pac-Man. To move through the maze, you have to recognize and look at the facial expressions of little characters that pop up. The computer camera is linked to face-recognition software that assesses one who is successful. Basically, by challenging autistic players to express anger, joy and other emotions, this tool helps them develop the ability to communicate.

• (1810)

The centre's director is Jim Tanaka. The co-director is Joseph Sheppard, who is a professor there and is autistic, was on CNN today, which was just wonderful. The centre engages faculty and students, community professionals and people with autism and their families in the creation process. It gets them to react to how you are reacting. It is a simple thing.

The wonderful work done at this centre is one of the many reasons why I am proud, along with members of Parliament Mike Lake and Glenn Thibeau, to be included in a community that is committed to reaching out to autistic individuals. Within this community, there is so much intelligence, imagination and determination. Above all, there is heart.

More people are getting involved all the time. We are uncovering new ways to help autistic people and to break through social complacency. I hope that people living with autism and their families can see and are encouraged by, as I am, developments like these. I hope they are assured that they are not alone. They are important members of our society not only today, World Autism Awareness Day, but every day.

OTTAWA REGIONAL CANCER FOUNDATION

FIGHT FOR THE CURE

Hon. David Tkachuk: Honourable senators, I rise to follow up on the statement by Senator Brazeau and to pay my respects to the two brave souls who put their egos and pride on the line last Saturday night. They are at an age when most have retired from inflicting harm on others. To promote the fight, they slugged each other at a rate that would have made Ali and Frazier blush. They both knew that this would hype the fight even though it would be difficult on whoever lost. Their hype got people excited, got them on national television, filled the venue and raised \$200,000 for cancer, which Senator Brazeau mentioned.

It also raised the interest of Parliament and led to healthy insults and barbs across the aisle. More importantly, it loosened our wallets. Brazeau and Trudeau, Conservative and Liberal, First Nations and French, both from Quebec — a match made in Ottawa. Ukrainians say, "Refusing to serve hurts others; serving hurts yourself." They both did that, although Senator Brazeau will admit he was hurt a little more and will endure the pain of a haircut and wearing Liberal colours — the latter being a fate I cannot imagine. Congratulations to both of them.

In 2004, I lost my mom and my sister to cancer three weeks apart. My father lost his mother and sister to cancer, and aunts and uncles have succumbed. To our families, it is a plague. On behalf of the Berezowski and Tkachuk family, I thank you.

MR. HENK TEPPER

Hon. Mac Harb: Honourable senators, Henk Tepper, a farmer from New Brunswick, spent the last year in a jail cell in Lebanon. He is now home and reunited with his family.

Hon. Senators: Hear. Hear.

[Senator Munson]

Senator Harb: While we celebrate, I wish to draw attention to the extraordinary efforts of Senator Pierrette Ringuette who fought long and hard for Mr. Tepper's release. With the determination of Joan of Arc, Senator Ringuette ensured that Mr. Tepper was not forgotten.

I was fortunate to be part of Senator Ringuette's team and to witness first hand her tenacious support for the stranded Canadian and his family. Through a series of letters, petitions, calls, press conferences, meetings and a personal visit to Lebanon, Senator Ringuette never gave up hope and never wavered in her support. The effort and support of honourable senators on both sides of the house were of great help and were noted by the Government of Lebanon.

Honourable senators, please join me in thanking the Government of Lebanon, the Lebanese Chargé d'Affaires in Ottawa, Mr. Georges Abou Zeid; the Tepper family's outstanding lawyers, Mr. Jim Mockler and Mr. Joe Karam; and the tireless efforts of Senator Ringuette's staff, Mr. Timothy Rosenburgh and Ms. Marie-Pierre Asselin.

I know that Senator Ringuette will have more to say on this important case, and I look forward to her comments.

[Translation]

ROUTINE PROCEEDINGS

BUDGET 2012

DOCUMENT TABLED

Hon. Claude Carignan (Deputy Leader of the Government): Honourable senators, I have the honour to table, in both official languages, the 2012 budget entitled: *Economic Action Plan 2012: Jobs, Growth, and Long-Term Prosperity*.

[English]

SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY

BUDGET—STUDY ON THE PROGRESS IN IMPLEMENTING THE 2004 10-YEAR PLAN TO STRENGTHEN HEALTH CARE— EIGHTH REPORT OF COMMITTEE PRESENTED

Hon. Kelvin Kenneth Ogilvie, Chair of the Standing Senate Committee on Social Affairs, Science and Technology, presented the following report:

Monday, April 2, 2012

The Standing Senate Committee on Social Affairs, Science and Technology has the honour to present its

EIGHTH REPORT

Your committee, which was authorized by the Senate on Thursday, June 23, 2011 to examine and report on the progress in implementing the 2004 10-Year Plan to

Strengthen Health Care, respectfully requests funds for the fiscal year ending March 31, 2013.

Pursuant to Chapter 3:06, section 2(1)(c) of the *Senate Administrative Rules*, the budget submitted to the Standing Committee on Internal Economy, Budgets and Administration and the report thereon of that committee are appended to this report.

Respectfully submitted,

KELVIN K. OGILVIE
Chair

(For text of budget, see today's Journals of the Senate, Appendix A, p. 1072.)

The Hon. the Acting Speaker: Honourable senators, when shall this report be taken into consideration?

(On motion of Senator Ogilvie, report placed on the Orders of the Day for consideration at the next sitting of the Senate.)

BUDGET AND AUTHORIZATION TO ENGAGE
SERVICES—STUDY ON SOCIAL INCLUSION
AND COHESION—NINTH REPORT
OF COMMITTEE PRESENTED

Hon. Kelvin Kenneth Ogilvie, Chair of the Standing Senate Committee on Social Affairs, Science and Technology, presented the following report:

Monday, April 2, 2012

The Standing Senate Committee on Social Affairs, Science and Technology has the honour to present its

NINTH REPORT

Your committee, which was authorized by the Senate on Tuesday, November 22, 2011 to examine and report on social inclusion and cohesion in Canada, respectfully requests funds for the fiscal year ending March 31, 2013, and requests, for the purpose of such study, that it be empowered to engage the services of such counsel, technical, clerical and other personnel as may be necessary.

Pursuant to Chapter 3:06, section 2(1)(c) of the *Senate Administrative Rules*, the budget submitted to the Standing Committee on Internal Economy, Budgets and Administration and the report thereon of that committee are appended to this report.

Respectfully submitted,

KELVIN K. OGILVIE
Chair

(For text of budget, see today's Journals of the Senate, Appendix B, p. 1078.)

The Hon. the Acting Speaker: Honourable senators, when shall this report be taken into consideration?

(On motion of Senator Ogilvie, report placed on the Orders of the Day for consideration at the next sitting of the Senate.)

BUDGET AND AUTHORIZATION TO ENGAGE
SERVICES—STUDY ON PRESCRIPTION
PHARMACEUTICALS—TENTH REPORT
OF COMMITTEE PRESENTED

Hon. Kelvin Kenneth Ogilvie, Chair of the Standing Senate Committee on Social Affairs, Science and Technology, presented the following report:

Monday, April 2, 2012

The Standing Senate Committee on Social Affairs, Science and Technology has the honour to present its

TENTH REPORT

Your committee, which was authorized by the Senate on Tuesday, November 22, 2011 to examine and report on prescription pharmaceuticals in Canada, respectfully requests funds for the fiscal year ending March 31, 2013, and requests, for the purpose of such study, that it be empowered to engage the services of such counsel, technical, clerical and other personnel as may be necessary.

Pursuant to Chapter 3:06, section 2(1)(c) of the *Senate Administrative Rules*, the budget submitted to the Standing Committee on Internal Economy, Budgets and Administration and the report thereon of that committee are appended to this report.

Respectfully submitted,

KELVIN K. OGILVIE
Chair

(For text of budget, see today's Journals of the Senate, Appendix C, p. 1084.)

The Hon. the Acting Speaker: Honourable senators, when shall this report be taken into consideration?

(On motion of Senator Ogilvie, report placed on the Orders of the Day for consideration at the next sitting of the Senate.)

[Translation]

NATIONAL FINANCE

BUDGET—STUDY ON POTENTIAL REASONS
FOR PRICE DISCREPANCIES OF CERTAIN GOODS
BETWEEN CANADA AND THE UNITED STATES—
NINTH REPORT OF COMMITTEE PRESENTED

Hon. Joseph A. Day, Chair of the Standing Senate Committee on National Finance, presented the following report:

Monday, April 2, 2012

The Standing Senate Committee on National Finance has the honour to present its

NINTH REPORT

Your committee, which was authorized by the Senate on Thursday, October 6, 2011 to examine and report on the potential reasons for price discrepancies in respect of certain goods between Canada and the United States, given the value of the Canadian dollar and the effect of cross border shopping on the Canadian economy, respectfully requests funds for the fiscal year ending on March 31, 2013.

Pursuant to Chapter 3:06, section 2(1)(c) of the Senate Administrative Rules, the budget submitted to the Standing Committee on Internal Economy, Budgets and Administration and the report thereon of that committee are appended to this report.

Respectfully submitted,

JOSEPH A. DAY
Chair

(For text of budget, see today's Journals of the Senate, Appendix D, p. 1090.)

The Hon. the Acting Speaker: Honourable senators, when shall this report be taken into consideration?

(On motion of Senator Day, report placed on the Orders of the Day for consideration at the next sitting of the Senate.)

• (1820)

INDUSTRIAL ALLIANCE PACIFIC INSURANCE AND FINANCIAL SERVICES INC.

PRIVATE BILL—FIRST READING

Hon. Gerald J. Comeau presented Bill S-1003, An Act to authorize Industrial Alliance Pacific Insurance and Financial Services Inc. to apply to be continued as a body corporate under the laws of Quebec.

(Bill read first time.)

The Hon. the Acting Speaker: Honourable senators, when shall this bill be read the second time?

(On motion of Senator Comeau, bill placed on the Orders of the Day for second reading two days hence.)

[English]

ANTI-TERRORISM

NOTICE OF MOTION TO AUTHORIZE SPECIAL COMMITTEE TO REFER PAPERS AND EVIDENCE FROM RELATED SPECIAL COMMITTEES OF PREVIOUS SESSIONS TO CURRENT SESSION

Hon. Hugh Segal: Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

[Senator Day]

That the papers and evidence received and taken, and work accomplished by the Special Senate Committee on Bill C-36 during the First Session of the Thirty-Seventh Parliament; by the Special Senate Committee on the Anti-Terrorism Act during the First Session of the Thirty-Eighth Parliament and the First Session of the Thirty-Ninth Parliament; and by the Special Senate Committee on Anti-Terrorism during the Second Session of the Thirty-Ninth Parliament and the Third Session of the Fortieth Parliament, be referred to the Special Senate Committee on Anti-Terrorism for the purposes of its work during the current session.

[Translation]

ELECTORAL RIDING REDISTRIBUTION

NOTICE OF INQUIRY

Hon. Maria Chaput: Honourable senators, pursuant to rules 56 and 57 (2), I give notice that, two days hence:

I will call the attention of the Senate to the process for readjusting federal electoral boundaries and the impact it could have on the vitality of official language minority communities.

BUDGET 2012

NOTICE OF INQUIRY

Hon. Claude Carignan (Deputy Leader of the Government): Honourable senators, I give notice that, two days hence, on behalf of the government:

I will call the attention of the Senate to the budget entitled: *Economic Action Plan 2012: Jobs, Growth, and Long-Term Prosperity*, tabled in the House of Commons on March 29, 2012, by the Minister of Finance, the Honourable James M. Flaherty, P.C., M.P., and in the Senate on April 2, 2012.

[English]

QUESTION PERIOD

NATIONAL DEFENCE

F-35 AIRCRAFT PURCHASE

Hon. James S. Cowan (Leader of the Opposition): Honourable senators, my question is directed to the Leader of the Government in the Senate.

The estimated price tag of the F-35 jets has increased almost day by day from \$75 million per unit during the election campaign last April to up to \$135 million per unit in the latest reports.

We know that more and more nations are reconsidering or postponing their options. Despite these rising costs and all the uncertainty, the honourable senator's government has so far refused to look at other options and is ignoring calls for an open and competitive bidding process.

In view of all this, will the honourable senator's government finally commit to reviewing the sole-source process to replace the CF-18 fleet?

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, I will only reiterate what I have said before on behalf of the government. Canada has been a partner in the Joint Strike Fighter Program for 15 years. We have not signed a contract for a purchase and have the flexibility we need to purchase aircraft in the years when that will be most affordable. We will ultimately replace Canada's aging CF-18 aircraft and will do so within the budget allocated for this purpose.

Senator Cowan: Can I take it from that answer that the government is considering options in addition to the F-35, such as the Boeing Super Hornet or the Eurofighter? Are those options on the table?

Senator LeBreton: Honourable senators, I cannot respond to that question directly. The government is committed to the Joint Fighter Strike Program with which we have been involved through this government and the previous government.

This aircraft was determined by our military, in collaboration with our NATO partners, to be the aircraft best suited for Canada's needs. As I pointed out a moment ago and last week, we have not signed a contract for the purchase of the aircraft. We have the flexibility we need to purchase the aircraft in the years when it will be most affordable. Obviously, that would depend on the production of the aircraft. We will ultimately replace the aging CF-18 within the allocated budget, as I have already stated.

We have committed to the F-35. Many Canadian companies are involved in the development of this aircraft. At the moment, nothing has changed in the government's position.

Senator Cowan: Let me try it another way then, honourable senators. Can the leader confirm that her government is not considering other aircraft models, such as the Super Hornet and the Eurofighter?

Senator LeBreton: I would not want the Honourable Senator Cowan to put words in my mouth.

Senator Cowan: I did not.

Senator LeBreton: I only said what I said, that is, that we are a partner in the Joint Strike Fighter Program. As of this moment, we are working hard in that program. Many Canadian companies are committed to the program. It has been ongoing for 15 years.

I have nothing more to add at this time, honourable senators.

Senator Cowan: Honourable senators, will the leader confirm that the budget remains at \$9 billion and that the number of aircraft to be delivered within that budget remains at 65, the number to which the government committed?

Senator LeBreton: As I already said, honourable senators, we will remain within our allocated budgets.

FINANCE

HIRING CREDIT FOR SMALL BUSINESS

Hon. Robert W. Peterson: Honourable senators, my question is directed to the Leader of the Government in the Senate. The Minister of Finance is claiming that his temporary extension of the hiring credit for small business, which amounts to \$200 million, is a practical and proven measure that encourages businesses to hire more workers. However, it should be pointed out that Canadian small businesses rang in the new year with a \$600-million tax hike when the honourable senator's government jacked up EI premiums. By my calculations, small business is being hit with a net \$200-million tax hike.

Would the leader not agree that this will discourage rather than encourage hiring?

Hon. Marjory LeBreton (Leader of the Government): I thank the honourable senator for that question. It is interesting that when the budget was announced last Thursday by the Minister of Finance, Minister Flaherty was overwhelmingly supported by many organizations representing small business.

The fact is that the budget was designed to enhance job growth and the economy and deal with the long-term prosperity of the country. We believe that the government has taken the right steps on many fronts to ensure that Canada moves forward and that the budget benefits the economy.

Senator Peterson: Honourable senators, any small business owner will tell us that hiking EI premiums is the riskiest way to not have more workers.

Senator LeBreton: Honourable senators, the facts and the support of small business for the government refute that statement.

CITIZENSHIP AND IMMIGRATION

IMMIGRATION APPLICANT WITH INTELLECTUAL DISABILITIES

Hon. Jim Munson: Honourable senators, I wish to ask this question of the Leader of the Government in the Senate in an objective and positive way. It deals with an immigration case in Vancouver that the leader may be familiar with. It is the story of a 27-year-old woman with Down's syndrome whose brother, a chartered accountant who lives in Vancouver, wants to sponsor her and his parents into this country.

• (1830)

Sometimes in the bureaucracy, they miss a few things, from my perspective. This woman and her family want to live in Canada. This gentleman has lived in Canada since the year 2000. The immigration people are basically saying that his sister would be a burden on Canadian society.

I think this is an opportunity to give the right signals. It is an opportunity to indicate to those with intellectual disabilities that they have a place in our society. I understand Minister Kenney has not had a chance to respond to this, but for the sake of our country, does the leader know whether the minister is taking a good look at this case so that this family can be reunited in Vancouver?

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, I am just vaguely familiar with the case. Of course, I cannot comment on this individual case as I am not fully familiar with it, but I will be very happy to take the question as notice and ask my colleague, the Minister of Citizenship and Immigration, what he has to report to Parliament on this.

Senator Munson: I appreciate the leader's answer. Perhaps I should have sent over some information to her.

This woman has what is described as mild Down's syndrome. With the work that I and many of us here do in the world of Special Olympics, we have a lot of people with Down's syndrome who are involved in our communities. They work in stores, et cetera, and are with us every day. From my perspective, it would not take much to have her sponsored, along with her mother and father.

In 2006, the brother applied to sponsor his mother, father and sister. The application was granted, by the way, in 2008. The family submitted the application for permanent residency in 2009, and they have undergone all medical examinations and submitted financial information. They have complied with all requests.

Once again, more than a question, it is a statement of advocacy, so to speak, to show that we are a compassionate country, to reunite this family.

Senator LeBreton: I thank Senator Munson for the additional information. I will absolutely take the question and provide a delayed response.

HUMAN RESOURCES AND SKILLS DEVELOPMENT

NATIONAL COUNCIL OF WELFARE

Hon. Hugh Segal: Honourable senators, my question is to the Leader of the Government in the Senate.

Could I ask the minister if she could reflect on what might have been the rationale for the decision to collapse the National Council of Welfare as announced in our budget, the National Council of Welfare that was started originally by the Right Honourable John

George Diefenbaker in 1962, a council of experts and community volunteers that offered arm's-length advice, research, analysis and recommendations on income security issues to federal and provincial governments for over half a century?

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, I am sure our government and all governments face decisions with regard to agencies and boards that have been in existence for quite some time. Obviously, many of them were set up at a time when circumstances, technologies and information were such that there was a great necessity.

With regard to the National Council of Welfare, we are putting our policy resources to best use and trying very hard to reduce duplication. There are now many non-governmental organizations that provide quality, independent advice and research on poverty-related issues, and we continue to take poverty seriously, as the honourable senator knows from the actions of the government. We take it seriously by investing in skills, training and support for families to ensure every Canadian has the opportunity to participate in the economy.

This particular agency, as the honourable senator pointed out, had been in existence for quite some time, but there are many organizations and groups that the government now relies on for information. It was determined that the work of this particular group is no longer needed because of the fact that we have so many other people giving us this information.

Senator Segal: Honourable senators, may I ask the minister whether the decision that the government would rely on other organizations that do not have an arm's-length relationship with the Crown means that the government, in particular that department, is getting out of the business of researching and analyzing the various causes of poverty, some of the best practices that exist in various jurisdictions, to look for ways to improve the circumstance? If so, is it because that department has decided there is no more constructive agenda on poverty — we are doing all we can — and there is no reason to invest in any arm's-length body that gives further advice?

Senator LeBreton: The department has made no such decision. Obviously, the issue of poverty is of great concern to the government. This government has taken many actions to address individuals and families who live below or close to the poverty line, and I will take the opportunity to outline some of them. We increased the amount that families in the two lowest personal income tax brackets can earn before paying taxes. Due to our action on taxes, a typical family now has \$3,000 more in their pockets. We enhanced the National Child Benefit and the Canada Child Tax Benefit. We brought in the Universal Child Care Benefit, \$100 per month to children under the age of 6, helping two million children. Budget 2010 allowed single-parent families to keep more of this benefit after tax. The Child Tax Credit is available for every child under the age of 18, which provides more money to over three million children and removes 180,000 low-income Canadians from paying income tax.

Senator Segal mentioned in a speech last week that WITB, or the Working Income Tax Benefit, helps low-income Canadians over the welfare wall. WITB appeared in Budget 2007 and in its

first year helped 900,000 Canadians. I do not have the recent tabulation, but if it helped more than 900,000 Canadians in its first year, one can imagine it is well into the millions now.

While the National Council of Welfare had done incredibly good work for the government, it was one of those agencies whose time had passed, and there are now resources the government can rely on, including many of the studies done in places like this very chamber, to assist the government in addressing the issue of poverty.

FOREIGN AFFAIRS

HENK TEPPER—RELEASE FROM CUSTODY IN LEBANON

Hon. Mac Harb: Honourable senators, my question is to the Leader of the Government in the Senate.

Earlier today, the Tepper family held a press conference in New Brunswick along with their lawyers. A number of questions were asked of the government, including finding out about any type of communication that took place between government ministers, government officials and the Government of Lebanon in representation on behalf of Mr. Tepper.

Would the Leader of the Government undertake to ask the government to table in the Senate the various steps taken, in chronological order by date, and to share with the family all of the matters that are of a private nature, any documentation that the government has to show the public and the Tepper family that the government did everything it could in order to secure the release of Mr. Tepper?

• (1840)

Hon. Marjory LeBreton (Leader of the Government): I thank the honourable senator for the question. I did notice his statement at the beginning, and I regret that in that statement he did not see fit to also thank the hard-working Canadian officials in Lebanon who worked extremely hard to secure the release of Mr. Tepper, including his member of Parliament for Tobique-Mactaquac, Mike Allen.

All of us should be very thankful that Mr. Tepper has safely returned home to Canada. We know situations have gone on for many years where the government is dealing with Canadians being detained in countries around the world. Canadian officials worked extremely hard for a very long period of time and worked through diplomatic channels on behalf of Mr. Tepper. The government — ministers, members and government officials — made dozens and dozens of representations with Lebanese officials concerning Mr. Tepper's situation. Both Minister Baird and Minister Ablonczy liaised directly with their Lebanese counterparts on several occasions. Official diplomacy supported work on the legal front, and Mr. Tepper is now free. On behalf of Minister Ablonczy — she has expressed this herself — we would like to thank our partners in Lebanon for their cooperation and their responsiveness.

At the end of day, honourable senators, and I very much appreciate the concern of Senator Harb and Senator Ringuette, I think what is important for all of us is that there was a good

ending to this unfortunate situation which was very hard on Mr. Tepper and his family, and that is what we should be focusing on, not trying to score political points.

Senator Harb: The question I asked was very specific. If the government has done all of this good work, would the Leader of the Government in the Senate undertake to ask the government to table all the communication and representations on behalf of Mr. Tepper and his family? Would the government table in the Senate all the documentation they have?

Senator LeBreton: The honourable senator has been part of the government before and he knows the difficulty. We have seen all over the world, whether it is Mexico or elsewhere, Canadians encountering difficulties. They may be detained, and our officials go through a very long, complicated and arduous process to seek their release. It would be an unfortunate situation when people's lives are at stake if there was ever a situation where we were put in a position — any government, whether this government or the previous government or future governments — to lay out for everyone to see the complicated and sometimes private negotiations that occurred in order to ensure someone's release and therefore safety.

I do not think what the honourable senator is asking is reasonable. We should be thankful for our officials in Lebanon who worked extremely hard and in very difficult circumstances. We should all celebrate today that Mr. Tepper is home safe in Canada and with his family.

Senator Harb: I think the government leader is skating on thin ice here. She has a very hot potato in her government hand here that she must deal with sooner or later. I go back the original question I asked on a supplementary, and she has not yet answered. Will the Leader of the Government in the Senate undertake to ask the government to table in the Senate all communication that is important and relevant to that case except those of a private nature?

Senator LeBreton: Honourable senators, officials, public servants who work in Lebanon who were dealing with a very difficult, complex issue, are now being asked by Senator Harb to put on the record all of the efforts they made, and they were considerable. Anyone who has been involved in these programs knows the considerable effort.

I can understand the families of people who find themselves in these situations. It is very difficult for the families, but they also have to know that the officials working in Lebanon worked extremely hard under very difficult circumstances, and they managed to get Mr. Tepper's freedom. That surely is what we should be celebrating and not going back and possibly putting these officials at some risk if we start releasing all of the information and deliberations they went through in order to seek his release.

ENVIRONMENT

CLIMATE CHANGE

Hon. Grant Mitchell: This government has given layoffs to upwards of 1,000 people from Environment Canada. Many of those were scientists. They have pretty much muzzled any of the

scientists who remain in that department. They have given \$8 million to CRA to muzzle environmental groups. They have not responded publicly in reaction to members of their caucus who have spoken out denying climate science. They have cancelled Kyoto and gutted every last climate change program. They have shut down very important climate research programs and shut down the National Round Table on the Environment and the Economy, which has done great work on climate change, and they have not reduced greenhouse gases one iota.

Anyone who would believe for a moment that this government is even remotely interested in cutting greenhouse gases and fighting climate change would have to be related to Pollyanna.

My first question is to Pollyanna's great-aunt, the Leader of the Conservatives in this Senate. Could she tell us why anyone in this country, in this house, anywhere other than in this government would believe for one second that this government wants to fight climate change in any meaningful way?

Hon. Marjory LeBreton (Leader of the Government): As I said to my great-niece Pollyanna the other day, because I am the great-aunt, the fact of the matter is, the government does have a good record on climate change.

Everyone across the way can laugh. They did absolutely diddly-squat. In any event, I will put it on the record just the same. Under the Copenhagen Accord, we committed to reducing greenhouse gas emissions to 17 per cent below 2005 levels by 2020. Through the Durban platform, Canada will continue to work with our international partners to achieve an agreement by 2015 that includes binding commitments for all major emitters.

Canada recently joined the United States, Mexico, Sweden, Ghana and Bangladesh to launch the Climate and Clean Air Coalition to Reduce Short-Lived Climate Pollutants. This new initiative is aimed at making rapid progress on countering climate change and improving air quality. We have a comprehensive plan to meet our target to reduce GHGs by 17 per cent below 2005 levels by 2020, and we are moving forward, as the honourable senator knows, on a sector-by-sector basis.

We started with transportation and electricity. Last November we released a consultation document on the development of new GHG regulations for cars and light trucks for the model years 2017 and beyond. We have published draft regulations for coal-fired electricity. We will continue to move forward to develop regulations for all major sources of emissions, including the oil and gas sectors. Together with the provinces, we are already a quarter of the way to reaching our 2020 target.

• (1850)

As honourable senators know, it makes great sense to align our approaches with our largest trading partner, our neighbours to the south, the United States of America.

Senator Mitchell: Honourable senators, if the leader reads the same answer from the same card over several or more years, could we actually call that a "robo-answer"?

[Senator Mitchell]

Given that this government does deny — and often explicitly in its caucus denies — the clear and irrefutable science of climate change, will the honourable senator soon deny gravity in an effort to prove once and for all that those F-35s might actually be able to fly?

Senator LeBreton: Honourable senators, our caucus and government are committed to greenhouse gas reductions and we have initiated many programs. We have a great record, and I am proud to stand here to support and defend it.

Senator Mitchell: Honourable senators, why is it that the honourable senator goes out of her way to muzzle climate scientists who want to talk about the science of climate change and help her government convince Canadians that something needs to be done about it, but she does not even disagree publicly at all with a caucus member who stands up and denies the irrefutable science of climate change? Why would the honourable leader not reprimand her; why would she not say something?

Senator LeBreton: I know the honourable senator gets a little carried away with his overblown rhetoric. However, Senator Mitchell and I both know that the government has a solid environmental program and a solid program for reducing greenhouse gas emissions. We have a record, which is something no other government has had before us. We will continue to pursue measures to improve our environment, while at the same time protecting Canadian jobs and our economy.

[Translation]

DELAYED ANSWERS TO ORAL QUESTIONS

Hon. Claude Carignan (Deputy Leader of the Government): Honourable senators, I have the honour to present, in both official languages, two delayed answers to oral questions. The first was raised by the Honourable Senator Jaffer on November 22, 2011, concerning X-ray body scanners at airports and the second was raised by the Honourable Senator Hervieux-Payette on February 7, 2012, concerning investments in advertising concerning the Economic Action Plan.

TRANSPORT

X-RAY BODY SCANNERS AT AIRPORTS

(Response to question raised by Hon. Mobina S.B. Jaffer on November 22, 2011)

At the outset, it is important to clarify that the European Union prohibition is on the use of body scanners using ionizing radiation or x-ray transmission. These types of body scanners have not been approved by Health Canada; therefore they cannot be used in Canadian airports. Canada uses millimetre wave body scanners and those have been approved by the European Union.

Health Canada has reviewed the technical information on the full body scanners and concluded that the radio frequency energy emitted by the device is well within Canada's guidelines for safe human exposure and therefore found the technology to be safe. The energy projected by the unit is actually far less than that emitted by a cell phone.

The full body scanners used in Canada work by projecting low-level millimetre wave radio frequency over and around the passenger's body. The radio frequency wave is reflected back from the body and from objects concealed on the body, producing a three-dimensional image. The entire screening process is harmless and takes about one minute.

The Canadian Air Transport Security Authority (CATSA) has a periodic testing regime that verifies that the millimetre wave equipment is functioning normally, within prescribed parameters, and calibrated in accordance with the manufacturer's specifications.

Full body screening technology has been installed at major Canadian airports to further enhance current screening capabilities. The technology generates images of the body to allow the detection of items being concealed under clothing, without physical contact between the screening officer and the passenger. This is a voluntary option for passengers, as it provides a screening alternative to the physical search.

The technology is used in over a dozen countries around the world. The full body scanners are deployed in airports as well as land border crossings, correctional facilities, courthouses, military checkpoints and commercial applications. It is one of the most effective methods of screening.

FINANCE

CANADA'S ECONOMIC ACTION PLAN

(Response to question raised by Hon. Céline Hervieux-Payette on February 7, 2012)

In January 2009, the Government of Canada launched the Economic Action Plan (EAP) to stimulate the economy, build consumer confidence and support Canadian workers and families severely affected by the global economic downturn.

This overarching plan included advertising campaigns mainly from the Department of Finance, Canada Revenue Agency, Department of Agriculture and Agri-Food Canada and Human Resources and Skills Development Canada.

Advertising campaigns offer information on initiatives, services and benefits of the stimulus actions and invite Canadians to learn about and to take advantage of them.

Budgets for EAP advertising campaigns were established at \$108.3M in total for fiscal years 2009-2010, 2010-2011 and 2011-2012. Spending for the EAP advertising campaigns is currently estimated at \$97.2 million for the past three fiscal years:

2009-2010 Expenditures confirmed: \$ 53.2 million

2010-2011 Estimated Spending: \$ 18.9 million*

2011-2012 Forecasted Spending as of February 15, 2012: \$ 25.1 million**

For information, a detailed table is presented to the Honourable Members of the Senate.

The Government wishes to assure the Senate that the investments in advertising will continue to adhere strictly to the policies and regulations currently in effect, while ensuring to provide the public with information on its policies, programs, services and initiatives that are timely, accurate, clear, objective and comprehensive.

** The amounts shown should be considered estimates until the publication of the Annual Report on Government of Canada Advertising Activities.

** Estimates based on expenditure reports as of February 15, 2012.

(For Table, see Appendix, p. 1559.)

[English]

ORDERS OF THE DAY

CRIMINAL CODE FIREARMS ACT

BILL TO AMEND—THIRD READING— DEBATE ADJOURNED

Hon. Daniel Lang moved third reading of Bill C-19, An Act to amend the Criminal Code and the Firearms Act.

He said: Honourable senators, I rise today to speak to Bill C-19, which is the bill that will eliminate the long-gun registry —

Some Hon. Senators: Hear, hear.

Senator Lang: — and the database.

Honourable senators may recall that when I spoke to the bill at second reading, I quoted the Spanish poet, George Santayana, who said that those who do not learn from history are doomed to repeat it. I went on to explain that, 93 years ago, the Canadian Parliament enacted gun control legislation requiring gun owners to obtain a permit for all firearms, including small arms, rifles and shotguns. Honourable senators, a year later this requirement was repealed.

It is important to note that the Minister of Justice of the day, Charles Doherty, stated:

There has been very general representation that the existing law operated too rigorously, lent itself to abuses and subjected citizens to unnecessary annoyance.

Here we are today repealing similar legislation, yet it took 17 years, even though we had the Internet.

Honourable senators, we heard testimony in evidence from 30 witnesses on all sides of the issue. I have to say at the outset that I now have a better understanding and appreciation for the sincerity of those who support the continuation of the long-gun registry. They are Canadians who feel very passionately about gun control. In some cases, they have lost a family member to gun violence. In some cases, witnesses spoke of violence against women and, yes, we listened to eyewitnesses speak about the tragedies of École Polytechnique and Dawson College.

Honourable senators, I want to assure these witnesses that with the elimination of the long-gun registry, Canada will still have one of the toughest licensing systems, as well as storage and transportation requirements, for long-gun firearms that will safeguard the public.

At the same time, many witnesses spoke about the inaccuracy of the registry itself. Not one — not one — witness refuted the fact that the registry was full of unreliable information. I want to bring to the attention of honourable senators some examples from the present system that we have in place and the information contained therein.

Did honourable senators know that there is a glue gun registered now in the registry? Its entry is as follows: "Mastercraft" with a serial number.

Did honourable senators know there are thousands upon thousands of firearms all registered with the same number and the same serial number?

As well, honourable senators, it is common knowledge that there are millions of long guns that have never, ever been registered.

Therefore, honourable senators, we have a registry that is not only incomplete, but that is also an unreliable database that cannot be depended on. We learned during the course of our hearings that, in some cases, it provides the front-line police with a false sense of security. We also learned that a large majority of front-line officers have said they do not support the registry.

It is important to note that the police chiefs across the country are also split on their support of the registry as it stands today. The Calgary Chief of Police stated:

I believe that the long-gun registry gave the uninformed and misinformed a false sense of security. Too often the gun registry was presented as the panacea for all of society's firearms problems. The reality is it did little to protect society from the gun violence being perpetrated by armed thugs and criminals on the street, none of whom have possession of acquisition licences and none of whom registered the weapon in a national database.

Due to the unreliable data and the inaccuracy of the registry as it stands, there have been cases where evidence provided to a court from the registry does not hold up in a court proceeding.

In the course of our hearings, one witness stated:

Knowing what I do know about the registry, I cannot use the information contained therein to swear out a search warrant. To do so would be a criminal act. Projections

from the Canadian Firearms Centre privately state that it will take 70 years of attrition to eliminate all the errors and have all the firearms in Canada registered. This level of inaccuracy is unacceptable for any industry, let alone law enforcement. Police officers deserve better. The public and the court demand better.

• (1900)

Honourable senators, I ask how can we support the continuation of a registry that is so inaccurate and so flawed?

I would like to turn the attention of honourable senators to another serious issue that arose during the hearings, and that is the topic of suicide — truly a tragedy when it happens to any family. We heard compelling evidence over the course of our hearings, particularly from a resident physician from McMaster University who came before us and told us that with regard to suicide, there is no significant immediate impact or impact over time as affected by the long-gun registry.

We also heard from another witness that the International Coalition for Women in Shooting and Hunting in Australia has published a long list of papers demonstrating the lack of correlation between the introduction of firearms legislation, most notably a gun registry, and the falling rates of firearms accidents, homicide and suicides.

Honourable senators, we should also look beyond our borders and use the experience of New Zealand and its long-gun registry. At one point, New Zealand had a long-gun registry much like our own. However, in 1983 the Arms Act was passed, which ended the requirement of registration for most long guns. It is my understanding that their Parliament felt that it was too expensive and not useful at protecting their citizens. Their new approach focuses on licensing rather than registration of the majority of their firearms.

That brings me to our licensing system. We have one of the most rigid and meticulous licensing systems in the world. When one applies for a long-gun licence, one undertakes to undergo a lengthy process. This includes an application that questions all aspects of an applicant's private life. I can tell honourable senators from experience that this is an application that one does not undergo in any other application for any other government service. This delves into one's personal life like no other request from government does.

I should also point out to honourable senators that two character references are required as part of the application procedure. There is an interview with one's spouse or former spouse. There is also a safety course and exam with a minimum requirement of 80 per cent achievement to pass.

Once one has gone through this process, which is lengthy, one is then issued a five-year licence. In order to renew it, one needs to complete a renewal form and one's former spouse or partner has the opportunity to comment on the application.

I also want to point out something that is really important: The requirement for safe storage of firearms and ammunition remains in place. This, in my judgment, is important from the point of view of the safety of anyone involved in the use of firearms.

During the course of our hearings, we heard from a number of witnesses who commended our licensing process. One witness described our licensing system in the following way:

I agree that the measures in place for licensing are very stringent, and they are applaudable.

Although we disagreed with that particular witness about the question of the registry itself, it is important to know that there was a commonality amongst almost all of the witnesses that our licensing system is widely supported.

Another witness spoke about that as well. She stated:

Licensing in Canada is the thing in our system that I applaud and the major difference between Canada and the United States.

Honourable senators, talking about gun laws in Canada and the United States is like comparing apples and oranges. I want to tell you that we are very fortunate to be Canadian.

I would like to bring the present debate back to my region of Canada, Yukon. One of the reasons this bill is so important to me and to the majority of the people in Yukon is because we have always felt that the long-gun registry is an invasion of privacy. In fact, it made us, as Canadians, criminals because we had to prove the state wrong.

I would like to quote Olympic gold medalist Linda Thom who appeared before us. Many senators may know her. She said:

... I'm accorded fewer legal rights than a criminal. Measures enacted by Bill C-68 allow police to enter my home at any time without a search warrant because I own registered firearms, yet the same police must have a search warrant to enter the home of a criminal. I'm not arguing that criminals should not have this right — they should. I'm arguing that this right should be restored to me and all Canadian firearms owners.

Honourable senators, it has been said that it was former Minister of Justice Allan Rock's view when he came to Ottawa that the only people who should have firearms were the police and the military. This is exactly the misguided attitude that led to the fiasco of the long-gun registry. It shows a fundamental misunderstanding of our country — not only of the culture of firearms owners but also the understanding of crime and how one prevents it.

For those of us who live in remote northern settings, as I said earlier, we felt the registry was discriminatory to all our residents, Aboriginal and non-Aboriginal. We view our long guns as a necessary day-to-day tool not unlike the tractor that a farmer uses to plow his field. In this context, the debate on the long-gun registry has never been absent from the political discourse in Yukon for the past 17 years.

Honourable senators, this registry has cost a lot of money. It has not made Canadians safer. As I stated earlier, we have one of the most effective licensing systems in the world. I think all

honourable senators would say that we need to continue to take measures to keep guns out of the wrong hands. That is what our licensing procedure does. However, it has been proven that the registry simply does not achieve this goal.

Honourable senators, the question of the computer database and the elimination of it with the long-gun registry has come up in debate and is a clause of the bill. It is clear that the long-gun registry is the database and it all must be eliminated if we are to do away with the long-gun registry. I want to be clear that the private, personal information in that registry that was sent by individual Canadians should not be kept or transferred to another level of government.

Honourable senators, the most important question now that we have to ask ourselves as we debate this legislation is this: Has it been demonstrated that the registry saved any lives during the last 17 years? I think it is safe to say during the course of our hearings and the hearings in the other place that there has been no substantial evidence to support this claim.

This then brings into question the practical usefulness of the registry and its cost. That is the question that we will vote on in the course of the week. We have heard many times that criminals do not register their guns. I want to quote from the Calgary Chief of Police and his description of the long-gun registry. He said:

It is the largest repository of honest people that exists in this country. There is no doubt about it. The only people who choose to register their long guns are meticulously honest people who are not involved in criminal activity. It is as simple as that.

• (1910)

Honourable senators, I hope that members on both sides of this chamber will vote in favour of Bill C-19. The time has come to eliminate the long-gun registry.

(On motion of Senator Tardif, for Senator Hervieux-Payette, debate adjourned.)

[Translation]

ALLOTMENT OF TIME FOR DEBATE— NOTICE OF MOTION

Hon. Claude Carignan (Deputy Leader of the Government): Honourable senators, the Deputy Leader of the Opposition and I attempted to reach an agreement about how much time to spend debating this bill at third reading, but we did not succeed. I gather that the senator who was supposed to speak to Bill C-19 on behalf of the opposition cannot do so this evening, unfortunately.

Therefore, honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That, pursuant to rule 39, not more than a further six hours of debate be allocated for consideration at third reading stage of Bill C-19, An Act to amend the Criminal Code and the Firearms Act;

That when debate comes to an end or when the time provided for the debate has expired, the Speaker shall interrupt, if required, any proceedings then before the Senate and put forthwith and successively every question necessary to dispose of the third reading stage of the said Bill; and

That any recorded vote or votes on the said question shall be taken in accordance with rule 39(4).

[English]

CRIMINAL CODE

BILL TO AMEND—SECOND READING— DEBATE ADJOURNED

Hon. A. Raynell Andreychuk moved second reading of Bill S-9, An Act to amend the Criminal Code.

She said: Honourable senators, I rise to speak to the second reading of Bill S-9, the nuclear terrorism bill.

Nuclear terrorism is a significant threat to Canadian and global security. The Government of Canada has acknowledged this threat and the March 2010 Speech from the Throne noted the danger to global peace and security posed by the proliferation of nuclear materials and related technology. Furthermore, the government has made a strong commitment to combat all forms of terrorism. As noted recently by the Prime Minister in Seoul, South Korea:

Alongside our allies, Canada is committed to securing nuclear material from around the world.

Honourable senators, succinctly, Bill S-9 would amend the Criminal Code in order to implement the criminal law requirements of two international nuclear security treaties. They are the Convention on the Physical Protection of Nuclear Material, as amended in 2005 — which I will refer to as the CPPNM Amendment — and the 2005 International Convention for the Suppression of Acts of Nuclear Terrorism, the ICSANT.

Other world leaders have called for measures to address the threats posed by nuclear terrorism. In this regard, the international community has made enormous gains in establishing universally recognized standards and norms for the use and protection of the world's nuclear materials. The CPPNM and the ICSANT are two such successes.

For Canada, as with other dualist states, domestic legislation is required to ratify international treaties. Ratification, as honourable senators know, is the formal act by which Canada signifies its consent to be legally bound by the terms of the conventions. In this regard, the proposed amendments in Bill S-9 implement into Canadian law the criminal law requirements of the CPPNM amendment and ICSANT with a view to ratification.

Honourable senators, I will now turn to the specific elements of the bill, starting with the most fundamental aspect: the creation of new offences in the Criminal Code relating to nuclear terrorism.

First, Bill S-9 would create an offence of possessing or trafficking nuclear or radioactive material or a nuclear or radioactive device, or committing an act against a nuclear facility or its operations with the intent to cause death, serious bodily harm or substantial damage to property or the environment. This offence has been drafted in such a way as to prohibit two types of activity. The first prohibits nuclear proliferation with the intent to cause the listed harms, while the second prohibits sabotage of nuclear facilities or operations, also with the intent to cause harm. This offence captures distinct criminalization requirements from the CPPNM amendment and ICSANT.

Given the seriousness of the prohibited conduct, it is proposed that this offence carry a maximum punishment of up to life imprisonment.

Second, the bill proposes an offence for using or altering nuclear or radioactive material or a nuclear or radioactive device, or committing an act against a nuclear facility or its operations with the intent to compel a person, a government or a domestic or international organization to do, or refrain from doing, anything.

Honourable senators, this offence also has two distinct prohibitions. What is common to both is the intent to compel or influence the behaviour of others. This intent requirement is a hallmark of terrorism. Again, this offence would carry a maximum punishment of up to life imprisonment.

Third, as called for by the treaties, the bill seeks to create an offence of threatening to commit any of the offences I have just outlined, with the maximum punishment of 14 years. Many existing offences in the Criminal Code use the concept of “threat” to describe prohibited conduct. I would also note that the Criminal Code contains a general “uttering threats” offence at section 264.1.

Last, honourable senators, Bill S-9 would create a specific offence of threatening to commit any of the offences I have just outlined, with the maximum punishment of 14 years. Many existing offences in the Criminal Code use the concept of “threat” to describe prohibited conduct. I would also note that the Criminal Code contains a general “uttering threats” offence at section 264.1.

Honourable senators, taken together with the various general provisions in the Criminal Code that address different parts of party liability, attempts and conspiracies, these proposed amendments provide a comprehensive response to inherently dangerous conduct and would put Canada in a position to ratify the treaties.

The proposed levels of punishment for the offences in Bill S-9 are appropriate, I believe, given the grave nature of the prohibited conduct. They are also consistent with other anti-terrorism offences in the Criminal Code.

• (1920)

The CPPNM Amendment and the ICSANT represent the policy source for Bill S-9 and, as mentioned, if passed, Canada would be in a position to ratify them. As a result, a closer examination of these international instruments is warranted.

Honourable senators, I am proud to say that Canada played a key role in the international negotiation of both the CPPNM and the ICSANT. The original CPPNM from 1980 is the only legally binding international instrument in the area of physical protection of nuclear material, and it is one of the 14 United Nations international counter-terrorism conventions and protocols. The CPPNM opened for signature on March 3, 1980. Canada signed it September 22, 1980 and ratified it on March 21, 1986. Ratification in 1986 was accomplished through amendments to a range of statutes, including the Criminal Code.

Twenty-five years later, the international community recognized the need for further action in this area. Therefore, on July 8, 2005, state parties to the original CPPNM, including Canada, adopted, by consensus, an amendment to this convention under the leadership of the International Atomic Energy Agency.

Whereas the obligations for physical protection under the 1980 CPPNM covered nuclear material during international transport, the amendment makes it a requirement for state parties to protect nuclear facilities and material in peaceful domestic use, storage and transport. The CPPNM Amendment constitutes an important milestone in international efforts to improve the physical protection of nuclear material and facilities.

Honourable senators, that same year, under the guidance this time of the United Nations General Assembly, the ICSANT was negotiated and adopted. The ICSANT covers a broad range of acts and possible targets, including nuclear power plants and nuclear reactors; stipulates that offenders shall be either extradited or prosecuted; encourages states to cooperate in preventing terrorist attacks by sharing information and assisting each other in connection with criminal investigations and extradition proceedings; and deals with both crisis situations and post-crisis situations.

Since both treaties have criminalization requirements for state parties, Bill S-9 seeks to implement them into Canadian law in a consistent and collective way and in a way that complies with our international obligations.

It is important to note that existing Canadian criminal law can already be said to apply, in a general way, to some of the prohibited behaviours in the treaties. However, I believe it would be fair to conclude that these existing laws do not fully describe or take into account the gravity of these nuclear terrorism offences.

Furthermore, the addition of these offences would allow for an increase in penalties beyond those that would be available for the general criminal law offences that currently apply to the criminal conduct. In short, this bill provides a more specific and targeted response to conduct that puts the Canadian public and the international community at great risk.

There are a few other elements of Bill S-9 that should be highlighted. These treaties require state parties to assume extraterritorial jurisdiction. In this regard, Bill S-9 would give

our courts the jurisdiction to try these new offences in situations, for example, where the offence is committed outside Canada by a Canadian or when the person who commits the act or omission outside Canada is present in Canada. This type of amendment is not novel, and, indeed, Canada has already assumed similar jurisdiction to prosecute other terrorism offences in the Criminal Code.

In addition, as honourable senators will know, the majority of Criminal Code offences are prosecuted by the provinces and territories. However, as in the case of existing terrorism offences in the Criminal Code, the Attorney General of Canada would have concurrent prosecutorial authority over these offences.

I would also draw the attention of honourable senators to the proposed addition of the CPPNM Amendment and the ICSANT to the list of existing terrorism treaties making up the definition of terrorist activity at section 83.01(1)(a) of the Criminal Code. The significance of this addition is that, by operation of the terrorist activity definition, a number of important provisions will apply in connection with these offences, such as consecutive sentencing, a reverse onus at bail hearings, and the availability of a one-year wiretap authorization.

Lastly, I would like to make a few comments about the bill's proposed definitions.

The proposed definition of "environment," which is used in the offence found in section 82.3, is modeled on the definition of the term as is set out in the Canadian Environmental Protection Act.

The definitions of "radioactive material" and "nuclear facility" contained in Bill S-9 are modeled on the internationally agreed upon definitions as set out in the ICSANT.

Finally, I would note that while the definition of "nuclear material" is quite technical, it is the same definition that has existed since the domestic implementation into the Criminal Code of the CPPNM in 1986.

How do these reforms fit within the broader legislative scheme in our country? Well, nuclear material and facilities are highly regulated. The physical protection measures contemplated in the CPPNM Amendment are already in place in Canada. Under the Nuclear Safety and Control Act, the Canadian Nuclear Safety Commission is responsible for setting physical protection standards in Canada and ensuring that those standards are met. The Nuclear Security Regulations set out the physical protection measures that licensees must implement to meet minimum security standards.

The offences in Bill S-9 and their specific intent requirements are designed in such a way so as to be clear that lawful activity, which could, on a very plain reading, be said to fit within the prohibited conduct, is not captured. For example, these offences do not deal with medical procedures involving radiation, the lawful exchange of material or devices, or other lawful activity in the nuclear industry.

In addition, Bill S-9 contains what is often referred to as a military exclusionary clause. In essence, the activities of "armed forces," as those terms are understood under international

humanitarian law — that is, laws of armed conflict — and which are governed by that law, would not be governed by the reforms proposed to the Criminal Code. Therefore, these amendments do not apply to the activities of the Canadian Forces and persons acting in support of the Canadian Forces who are under the formal command and control of the Canadian Forces while in the performance of their official duties.

The military exclusion language used in both the CPPNM Amendment and the ICSANT, as well as in the present bill, is similar to that used in the International Convention for the Suppression of Terrorist Bombings which is already implemented in Canada through section 431.2 of the Criminal Code.

As I have already noted in reference to the work undertaken over the past few decades on the issue of nuclear security, this same level of interstate cooperation continues today. In 2010, 47 world leaders, including our Prime Minister, participated in the inaugural Nuclear Security Summit hosted by the President of the United States of America in Washington, D.C. At this summit, it was recognized that strong nuclear security measures are the most effective means to prevent terrorists, criminals or other unauthorized actors from acquiring nuclear materials.

• (1930)

That 2010 summit communiqué called upon states to support the objectives of the ICSANT and the CPPNM as essential elements of the global nuclear security architecture. The summit work plan called upon participating states to ratify and work toward achieving the universal implementation of the CPPNM Amendment and the ICSANT.

Drawing on the first summit success, a second world leaders' Nuclear Security Summit was recently held in Seoul, South Korea, in March of this year. It was attended by 53 heads of state, again including the Prime Minister of Canada.

The summit communiqué recognized the importance of multilateral instruments that addressed nuclear security and committed countries to work toward universal adherence to the conventions.

I would also note that passage of this legislation would bolster Canada's compliance with United Nations Security Council Resolution 1540, which requires all states to take steps to prevent weapons of mass destruction and their component parts from getting into the hands of non-state actors. One such step is for states to adopt and enforce laws to prohibit non-state actors from acquiring these weapons and their means of delivery. States are also asked to promote the universal adoption and full implementation of multilateral treaties to preventing proliferation, such as ICSANT.

UN Security Council Resolution 1540 also requires states to implement appropriate domestic controls to prevent proliferation of weapons of mass destruction. This legislation, Bill S-9, and the subsequent ratification of the two international instruments, would demonstrate Canada's commitment to ensuring the security of the nuclear facilities that provide power to our communities and the radiological sources we use, including medical isotopes.

In conclusion, I note that a single nuclear terrorism incident could result in thousands of casualties, severely disrupt the global economy, cause political instability and ecological damage and result in substantial remediation costs.

Former United Nations Secretary-General Kofi Annan has stated that a nuclear terrorism attack "would stagger the world economy and thrust tens of millions of people into dire poverty."

The ratification and implementation of the CPPNM Amendment and the ICSANT amendment through Bill S-9 represents an effective legal step toward addressing nuclear security threats, both within and outside of Canada.

Honourable senators, these reforms send a strong signal to the world of Canada's ongoing commitment to nuclear security. These proposed reforms are designed to deter and punish acts of nuclear terrorism and, as such, Bill S-9 would improve our existing approach to counterterrorism by holding to account those who aspire to commit acts of nuclear terrorism.

Honourable senators, I know this bill is extremely technical, but it is, I think, of great importance, and therefore I have put it on the record here so that all senators will understand the importance of moving forward with Bill S-9 to be in a position to be able to ratify two international conventions. It strengthens our position, both in preventing nuclear terrorism and also in our foreign policy dialogue and debate with erring countries. I urge all honourable senators to adopt the bill.

The Hon. the Acting Speaker: Would the honourable senator entertain questions?

Senator Andreychuk: Yes.

Hon. Serge Joyal: I would like to thank the honourable senator for her introductory speech on Bill S-9. Could she inform us, if it is within her knowledge, how many countries have taken similar steps of introducing legislation to be in sync with the resolution of the United Nations?

Senator Andreychuk: There are 53 countries. I do not know how many are dualist. The majority can ratify at a federal level and move forward.

Because of our structures, the ratification can only be after the implementation of the Criminal Code. I will undertake to see how many dualist countries there are. There were 47 countries that signed the first and 53 the second; of these, I am not certain how many have to go through the formal step of introducing criminal legislation. I do know some countries introduce legislation even if it is not required for the criminal amendments. It is a signal of the importance of the issue in the international environment, and it is a way of educating the public about these international treaties and how they inform local laws.

I will undertake to get that before the committee studies this to know exactly which country is moving in what direction. We are moving quickly from Seoul, Korea, and it may take a few days to undertake to get the information on where everyone else is in the process.

Senator Joyal: In that endeavour, would the honourable senator check the list of former members of the Soviet Union? Senator Andreychuk is familiar with this issue as the chair of the Foreign Affairs Committee.

I think a study under the auspices of the United Nations identified which of the former members of the Soviet Union are more at risk of dissemination of nuclear material, especially at the time of the Cold War. I think it would be helpful for the members of the committee to be in a better position to understand where most of the risks might lie, essentially, and how those countries took part in the conference in South Korea and what kind of commitment we can expect from them in the near future.

As honourable senators will realize, this is a very sensitive issue, and I cannot but commend the government for that initiative. As the national strategy the government released last month has shown, the nuclear threat linked to terrorism is probably the most important threat that any country can face these days. As honourable senators know very well, that is intimately linked to initiatives that could be taken in other areas to make the country safer.

Senator Andreychuk: First, I apologize because I also asked the question, “Who has undertaken to ratify?” I have the list but it is in my office, so I can get that quickly to the honourable senator.

I do know the Ukraine has complied with, first of all, reducing their involvement in nuclear activity, and they are very keen on this. I also have some recollection of Kazakhstan. I will certainly undertake to get that.

The two treaties really go to looking at all countries and non-state actors. That is, of course, after the terrorism. It was not just the former Soviet Union, although there are some vulnerabilities where the nuclear waste was and the capability of transferring that. We have heard the stories of the plutonium in the briefcase going over. We are also concerned that it not go to non-state actors, where there are either fragile or non-existent states. Some of this can be transported rather easily.

I think the objective is for Canada to change and come in line with the Criminal Code. The sections are not novel, they are just intricate. We have already taken those steps. We have signed on to 10 other conventions that have necessitated changes in the Criminal Code. This is just adding to it.

The signal is that Canada is moving quickly. The signal that Canada will comply is very important as we look at a broader issue of terrorism and countries.

I think, with that leadership, we can be in a good position to ensure that other countries are complying. What troubles me is that we only have 53 on board. There are so many other countries we need to convince if we are going to have a nuclear safe world.

(On motion of Senator Tardif, debate adjourned.)

• (1940)

[Translation]

OLD AGE SECURITY

INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Callbeck calling the attention of the Senate to the inequities of the Old Age Security Allowance for unattached, low-income seniors aged 60-64 years.

Hon. Claude Carignan (Deputy Leader of the Government): Honourable senators, I am preparing my speech on the Old Age Security Allowance for unattached, low-income seniors and, unfortunately, I have not had time to complete it. I move the adjournment of the debate for the remainder of my time.

(On motion of Senator Carignan, debate adjourned.)

POVERTY IN NEW BRUNSWICK

INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Robichaud, P.C., calling the attention of the Senate to the 2009 poverty reduction strategy of New Brunswick.

Hon. Maria Chaput: Honourable senators, I would like to thank Senator Fernand Robichaud for his inquiry of February 7, 2012, regarding poverty in New Brunswick.

Today I wish to speak to you about poverty in my province, Manitoba. More specifically, I would like to address Manitoba's Social Inclusion and Anti-Poverty Act, which was passed in February 2012 and was based on our province's Poverty Reduction Strategy.

But what is poverty? According to experts, it is not having the basic resources needed to live a healthy life. Poverty is associated with shorter life expectancies, as well as higher rates of disabilities and chronic diseases.

An individual's socio-economic status is of course affected by his or her level of poverty or affluence. That is one of the key indicators of social inequality and one of the most reliable predictors of poor health or chronic disease. When poor health is caused by socio-economic factors, society as a whole feels the effects.

In 2006, the average income of Manitobans aged 15 or over was \$20,160 for women and \$29,919 for men. Based on the market basket measure of poverty, the low-income population declined by 28.8 per cent in Manitoba between 2000 and 2008, compared to 20 per cent in Canada for the same period. This reduction was evident in particular among single-parent families. Poverty in

Manitoba declined by 67 per cent between 2000 and 2008. Child poverty has dropped by 40 per cent since 2000. Manitoba has the third-lowest rate of child and adult poverty, one of the lowest of all the provinces.

In 2009, 9.7 per cent of Manitobans had a low income, compared to 10.8 per cent in 2000.

Food security, or the lack thereof, is one of the socio-economic factors that affects poverty.

Of course food security is affected by employment or unemployment. In 2012, the unemployment rate in Manitoba was 5.6 per cent, putting Manitoba second after Saskatchewan and Alberta. The unemployment rate is 7 per cent for immigrants, which is the second-lowest in Canada. Unemployment is highest among Aboriginal people. However, despite the significant improvement, indicators show that the economic gap is widening in Manitoba and that a great deal of work remains to be done.

The Government of Manitoba studied the poverty issue. It began implementing some initiatives in 1999. Ten years later, they are among the various programs that form Manitoba's Poverty Reduction Strategy. In February 2012, the Selinger government passed the Social Inclusion and Anti-Poverty Act, which is the framework for all anti-poverty programs and initiatives in effect in Manitoba.

This 2012 legislation includes the following points: poverty and social exclusion negatively impact the well-being of all who experience them; poverty and social exclusion are significant barriers to the healthy development of children; people affected by poverty and social exclusion are not able to fulfil their full potential to contribute to their communities; poverty and social exclusion have a detrimental impact on the social and economic well-being of our communities; poverty reduction is about both improving the well-being and quality of life of those living in poverty and ensuring a strong and prosperous future for the province; improvement in literacy is an important step to decreasing poverty.

The legislation and the strategy are based on four fundamental pillars and a host of key indicators: the first pillar is safe and affordable housing in communities and participation in the SafetyAid and Lighthouse programs. The second is education, jobs and income support. The third is education, jobs and income, including early childhood development, and the fourth is accessible and co-ordinated services.

All these elements take into account that poverty has multiple causes. That is why the following objectives were targeted: (a) quality, accessible education that develops knowledge and skills; (b) training that prepares persons for employment; (c) employment opportunities; (d) income supports for persons who are unable to fully participate in the labour market; (e) affordable housing; (f) supportive and safe communities; and (g) supports for strong and healthy families.

• (1950)

This legislative framework and these measures are reflected in programs and initiatives that meet the needs of the targeted population. Three areas are particularly important. Here is an overview. I will begin with employment.

The Rewarding Work initiative helps people with low incomes get and keep jobs by making employment more attractive than social assistance. Employment Manitoba helps individuals prepare for and return to the labour market, as well as get and keep jobs. The Adult Learning & Literacy programs help those who have not completed their education finish high school or upgrade in order to pursue higher education.

For workers in remote regions, Manitoba Hydro's Northern Employment Training Initiative includes training and support options that help Aboriginals prepare for work on hydroelectric projects.

Families are targeted too. For example, the Family Choices program for early learning and child care focuses on access to child care programs, universality, affordability and quality. Neighbourhoods Alive! and other community economic development programs and projects support initiatives that strengthen neighbourhoods, improve standards of living, support the local economy and promote the safety and well-being of residents.

The Northern Healthy Foods Initiative, which targets rural and Aboriginal communities, supports community-based projects that promote nutrition and improve access to healthy foods. Because seniors are particularly at risk, the Government of Manitoba has implemented a number of initiatives to promote seniors' health, independence and well-being.

Finally, I would like to tell you about some of the programs that exist for children. Healthy Child Manitoba relies on interdepartmental cooperation to provide Manitoba children and their families with the best opportunities, while Changes for Children strengthens and improves the child and family services system. Closing the Gap is a 10-year plan aimed at reducing the gaps in well-being between Aboriginal and non-Aboriginal peoples.

All of these programs are coordinated by an interdepartmental working group that will submit reports to the Ministers' Poverty Reduction Committee.

Furthermore, the government recently announced the creation of a cabinet committee chaired by the Premier of Manitoba. The committee's work will focus on employment and family services. The ministers of finance; health; family services and labour; conservation and water stewardship; innovation, energy and mines; and Aboriginal and northern affairs will tackle these government priorities.

According to the Manitoba government, poverty is about more than just a lack of money. Rather, "it is a combination of issues that keep people from participating in the economy or in society."

Accordingly, a large part of the government's strategic, concerted efforts will in some way "contribute to reducing poverty and increasing the inclusion of low-income Manitobans in all aspects of community life." In financial terms, all of these initiatives aimed at reducing poverty are supported by an annual investment of over \$744 million. The funds committed to the fight against poverty in the area of employment are focused on the following: basic building blocks for employment, because a well-paid job is the best

way to get out of poverty; assistance for vulnerable individuals in all areas where there are potential obstacles, such as mental health, addiction and physical disabilities; food security, because not all Manitobans have the same access to affordable food and drinking water; housing, because housing is a basic need and high-quality, stable, affordable housing translates into improved quality of life.

We must close the gaps for Aboriginal people given that they face unique challenges. We must create services for youth. Young people absolutely must be engaged socially and be supported by their communities. To that end, they must have access to health, recreation and arts services and must have a sense of belonging to their community as well as quality education.

Poverty often goes hand in hand with incomplete schooling. That is why the Manitoba government has established a complementary \$1.2 million funding program for learning coordinators for children up to 18 years of age, who will help school divisions manage programs to support student retention until that age. This consists of providing support in order to expand programs for youth at risk of quitting school that support the development of employment and life skills.

In the area of education, employment and income support, the government has put in place a community internship program for 120 people who will be trained as certified educational assistants and child care workers. The objective of this program is to help low-income immigrants enter these professions. These two training programs went into effect in July 2011 and September 2011 respectively.

Although a job does not necessarily keep poverty at bay, it is nonetheless one of the most important poverty reduction levers because it provides a certain amount of economic and social stability while building self-esteem.

Housing is also an essential need and above all a fundamental requirement for good physical and mental health. The Affordable Housing initiative seeks to make housing more affordable. In this regard, the Manitoba government recently announced that it would help the Sara Riel Foundation in Winnipeg build an integrated 28-unit complex, which will provide safe and affordable housing for families and adults with mental health issues. Fourteen of the 28 units will be classified as supportive housing, with rent geared to income.

Another component of the Poverty Reduction Strategy is the HOMEWorks! program, a long-term housing initiative. Manitoba has committed to supplying 1,500 affordable social housing units in partnership with the federal government. There are already almost 1,000 such units.

The provincial government is also partnering with the City of Winnipeg through the joint, single window Winnipeg Housing and Homelessness Initiative. Between 2000 and 2012, the three levels of government invested nearly \$185 million in repairing, renovating and building over 8,400 apartments to help people who are homeless and those who are at risk of becoming homeless.

Through the Family Choices program, the province funded 11,000 new child care spaces, half of which were created since April 2008, when the program was launched. In June 2011, the government invested an additional \$3 million in the development of two early learning and child care centres.

Yet parents often have a hard time finding child care for their children. That is why the Government of Manitoba set up an online child care registry, the first of its kind in Canada, which helped place 1,000 children in five months. The site offers an interactive map that allows parents to find a child care centre that suits their needs.

Education is especially important in modern society. That is why Manitoba recently set new funding targets for early literacy and numeracy in order to improve young children's reading, writing and math skills. These initiatives receive \$1.8 million annually.

What is more, an additional \$1 million is allocated to the literacy initiative for children with learning difficulties in grade one in English or French, and in grades one and two in the French immersion program.

Manitoba also invested \$667,000 in implementing a Youth Corps pilot project to help high-risk youth who are facing multiple personal barriers to gaining life skills, training and employment.

• (2000)

Up to 345 youth will participate in the program every year.

Lastly, the Government of Manitoba recently unveiled a program to assist teens in foster homes who want to take university courses.

The Hon. the Acting Speaker: I regret to inform Senator Chaput that her time is up. Is it your pleasure, honourable senators, to give her five more minutes?

Hon. Senators: Yes.

Senator Chaput: Through a partnership with the University of Winnipeg, every year ten young people who lived in foster homes will be able to go to university for free. The government will cover the cost of housing, books and food for these students until they turn 21.

According to statistics, over 9,500 young people live in foster homes in Manitoba. Most of these young people are from first nations or Metis communities. I should point out that aboriginal people account for 16 per cent of Manitoba's population, a figure four times higher than the Canadian average. Without this program, fewer than 5 per cent of them would undertake post-secondary studies.

Young families and their children are not the only ones who will benefit from the Poverty Reduction Strategy. Seniors will, too. For instance, the region of Steinbach, a community in south-eastern Manitoba, is experiencing a population explosion. Since February 2012, the seniors of that region have had better

access to affordable, high quality housing with the opening of 52 new housing units at a cost of over \$3 million, shared by the Manitoba and Canadian governments.

Despite these successes and these innovative programs, inherent obstacles to reducing poverty remain. Mental health is one of the most serious and most devastating key factors in poverty.

As agreed upon at the Council of the Federation meeting in Vancouver in the summer of 2011, Manitoba hosted a national summit on mental health promotion and illness prevention in February 2012. Eminent researchers, government representatives and other stakeholders dedicated to various issues related to mental health and mental illness all came together in Winnipeg.

It is important to build strong communities, including First Nations communities, and these efforts must recognize the

importance of cultural identity, self-determination and social inclusion. The experts also noted that culture is an important factor in protection.

Family poverty is an important issue for the very young, older seniors and newcomers to Canada. Each group has its specific concerns. That is why it is important to adopt a strategy for tackling poverty. And Manitoba has chosen to do so.

In closing, I would like to say that it was a pleasure to talk to you about some of the measures, initiatives and programs implemented by my province, Manitoba, in order to fight poverty.

(On motion of Senator Tardif, debate adjourned.)

(The Senate adjourned until tomorrow at 2 p.m.)

APPENDIX
(See page 1549.)

Government of Canada Advertising¹ Campaigns Identified under Canada's Economic Action Plan

Fiscal Year	Department	Campaign Name	Allocations ***	Expenditures
2009-2010	Finance Canada	Canada's Economic Action Plan	\$17M	\$16,498,667
	Canada Revenue Agency	Home Renovation Tax Credit	\$7M	\$6,220,288
		Tax Relief Measures (2009)	\$10M	\$8,168,048
	HRSDC	Apprenticeship Completion Grants	\$7M \$6.075 (TB Submission)	\$1,777,261
		Helping Canadian Workers	\$425K (departmental funds)	\$11,401,978
	Agriculture and Agri-Food Canada	Canadian Agricultural Loans Act	\$340K (departmental funds)	\$291,186
	NRCan	ecoEnergy Home Retrofit Grant	\$1.2M (transferred from CRA) \$90K (departmental funds)	\$1,254,474
	Infrastructure Canada	EAP Campaign	\$8M	\$7,547,946
2010-2011*	Finance Canada	Credit Card Regulations	\$10M	\$1,021,825
		EAP Campaign	(including \$4M for Measures in Budget 2011 and \$6M for EAP)	\$4,826,385
	Canada Revenue Agency	Tax Relief Measures (2010)	\$6.5M	\$6,071,661
	Agriculture and Agri-Food	Canadian Agricultural Loans Act	\$385K (departmental program funds)	\$362,133
	HRSDC	Apprenticeship Completion Grants	\$3.5M	\$2,162,760
		Better Jobs	\$8.0M	\$4,497,390
2011-2012**	Canada Revenue Agency	Tax Relief Measures (2011)	\$6.5M	\$5,875,070
	Finance Canada	Budget 2011	\$3.2M	\$2,657,244
		EAP-Jobs & Growth Campaign	\$5.5M	\$4,180,069
	HRSDC	Better Jobs (Jobs of the Future)	\$6M	\$5,054,252
		Apprenticeship Completion Grants	\$2.5M	\$2,373,538
	NRCan	ecoEnergy Home Retrofit Grant	\$6M	\$4,963,452

¹ Under the *Communications Policy of the Government of Canada*, advertising is defined as “any message, conveyed in Canada or abroad and paid for by the government for placement in media such as newspapers, television, radio, Internet, cinema and out-of-home.”

*Figures are considered estimates until the release of the 2012-2011 Annual Report on Government of Canada Advertising Activities.

**Figures are estimated year-to-date reported to February 15, 2012.

***Allocations from the GC Annual Advertising Plan unless otherwise noted.

APPENDIX

Officers of the Senate

The Ministry

Senators

(Listed according to seniority, alphabetically and by provinces)

THE SPEAKER

The Honourable Noël A. Kinsella

THE LEADER OF THE GOVERNMENT

The Honourable Marjory LeBreton, P.C.

THE LEADER OF THE OPPOSITION

The Honourable James S. Cowan

OFFICERS OF THE SENATE**CLERK OF THE SENATE AND CLERK OF THE PARLIAMENTS**

Gary W. O'Brien

LAW CLERK AND PARLIAMENTARY COUNSEL

Mark Audcent

USHER OF THE BLACK ROD

Kevin MacLeod

THE MINISTRY

(In order of precedence)

(April 2, 2012)

The Right Hon. Stephen Joseph Harper	Prime Minister
The Hon. Robert Douglas Nicholson	Minister of Justice and Attorney General of Canada
The Hon. Marjory LeBreton	Leader of the Government in the Senate
The Hon. Peter Gordon MacKay	Minister of National Defence
The Hon. Vic Toews	Minister of Public Safety
The Hon. Rona Ambrose	Minister of Public Works and Government Services
	Minister of State (Status of Women)
The Hon. Diane Finley	Minister of Human Resources and Skills Development
The Hon. Beverley J. Oda	Minister of International Cooperation
The Hon. John Baird	Minister of Foreign Affairs
The Hon. Tony Clement	President of the Treasury Board
	Minister for the Federal Economic Development Initiative for Northern Ontario
	Minister of Finance
The Hon. James Michael Flaherty	Leader of the Government in the House of Commons
The Hon. Peter Van Loan	Minister of Citizenship, Immigration and Multiculturalism
The Hon. Jason Kenney	Minister of Agriculture and Agri-Food
The Hon. Gerry Ritz	Minister for the Canadian Wheat Board
	Minister of Industry and Minister of State (Agriculture)
The Hon. Christian Paradis	Minister of Canadian Heritage and Official Languages
The Hon. James Moore	Minister of Transport, Infrastructure and Communities
The Hon. Denis Lebel	Minister of the Economic Development Agency of Canada for the Regions of Quebec
	Minister of Health
The Hon. Leona Aglukkaq	Minister of the Canadian Northern Economic Development Agency
	Minister of Fisheries and Oceans and Minister for the Atlantic Gateway
The Hon. Keith Ashfield	Minister of the Environment
	Minister of Labour
The Hon. Peter Kent	Minister of National Revenue
The Hon. Lisa Raitt	Minister of Aboriginal Affairs and Northern Development
The Hon. Gail Shea	Minister of Veterans Affairs
The Hon. John Duncan	Minister of International Trade
The Hon. Steven Blaney	Minister for the Asia-Pacific Gateway
The Hon. Edward Fast	Minister of Natural Resources
	Minister of Intergovernmental Affairs
The Hon. Joe Oliver	President of the Queen's Privy Council for Canada
The Hon. Peter Penashue	Associate Minister of National Defence
	Minister of State (Atlantic Canada Opportunities Agency) (La Francophonie)
The Hon. Julian Fantino	Minister of State and Chief Government Whip
The Hon. Bernard Valcourt	Minister of State (Small Business and Tourism)
	Minister of State of Foreign Affairs (Americas and Consular Affairs)
The Hon. Gordon O'Connor	Minister of State (Western Economic Diversification)
The Hon. Maxime Bernier	Minister of State (Transport)
The Hon. Diane Ablonczy	Minister of State (Science and Technology)
	Minister of State (Federal Economic Development Agency for Southern Ontario)
	Minister of State (Finance)
The Hon. Ted Menzies	Minister of State (Democratic Reform)
The Hon. Tim Uppal	Minister of State (Seniors)
The Hon. Alice Wong	Minister of State (Sport)
The Hon. Bal Gosal	

SENATORS OF CANADA

ACCORDING TO SENIORITY

(April 2, 2012)

Senator	Designation	Post Office Address
The Honourable		
Anne C. Cools	Toronto Centre-York	Toronto, Ont.
Charlie Watt	Inkerman	Kuujuuaq, Que.
Joyce Fairbairn, P.C.	Lethbridge	Lethbridge, Alta.
Colin Kenny	Rideau	Ottawa, Ont.
Pierre De Bané, P.C.	De la Vallière	Montreal, Que.
Ethel Cochrane	Newfoundland and Labrador	Port-au-Port, Nfld. & Lab.
Gerald J. Comeau	Nova Scotia	Saulnierville, N.S.
Consiglio Di Nino	Ontario	Downsview, Ont.
Donald H. Oliver	South Shore	Halifax, N.S.
Noël A. Kinsella, <i>Speaker</i>	Fredericton-York-Sunbury	Fredericton, N.B.
Janis G. Johnson	Manitoba	Gimli, Man.
A. Raynell Andreychuk	Saskatchewan	Regina, Sask.
Jean-Claude Rivest	Stadacona	Quebec, Que.
Terrance R. Stratton	Red River	St. Norbert, Man.
David Tkachuk	Saskatchewan	Saskatoon, Sask.
W. David Angus	Alma	Montreal, Que.
Pierre Claude Nolin	De Salaberry	Quebec, Que.
Marjory LeBreton, P.C.	Ontario	Manotick, Ont.
Gerry St. Germain, P.C.	Langley-Pemberton-Whistler	Maple Ridge, B.C.
Rose-Marie Losier-Cool	Tracadie	Tracadie-Sheila, N.B.
Céline Hervieux-Payette, P.C.	Bedford	Montreal, Que.
Marie-P. Poulin	Nord de l'Ontario/Northern Ontario	Ottawa, Ont.
Wilfred P. Moore	Stanhope St./South Shore	Chester, N.S.
Fernand Robichaud, P.C.	New Brunswick	Saint-Louis-de-Kent, N.B.
Catherine S. Callbeck	Prince Edward Island	Central Bedeque, P.E.I.
Serge Joyal, P.C.	Kennebec	Montreal, Que.
Francis William Mahovlich	Toronto	Toronto, Ont.
Joan Thorne Fraser	De Lorimier	Montreal, Que.
Vivienne Poy	Toronto	Toronto, Ont.
George Furey	Newfoundland and Labrador	St. John's, Nfld. & Lab.
Nick G. Sibbeston	Northwest Territories	Fort Simpson, N.W.T.
Jane Cordy	Nova Scotia	Dartmouth, N.S.
Elizabeth M. Hubley	Prince Edward Island	Kensington, P.E.I.
Mobina S. B. Jaffer	British Columbia	North Vancouver, B.C.
Joseph A. Day	Saint John-Kennebecasis	Hampton, N.B.
George S. Baker, P.C.	Newfoundland and Labrador	Gander, Nfld. & Lab.
David P., P.C.	Cobourg	Toronto, Ont.
Maria Chaput	Manitoba	Sainte-Anne, Man.
Pana Merchant	Saskatchewan	Regina, Sask.
Pierrette Ringuette	New Brunswick	Edmundston, N.B.
Percy E. Downe	Charlottetown	Charlottetown, P.E.I.
Paul J. Massicotte	De Lanaudière	Mont-Saint-Hilaire, Que.
Mac Harb	Ontario	Ottawa, Ont.
Terry M. Mercer	Northend Halifax	Caribou River, N.S.
Jim Munson	Ottawa/Rideau Canal	Ottawa, Ont.
Claudette Tardif	Alberta	Edmonton, Alta.
Grant Mitchell	Alberta	Edmonton, Alta.

Senator	Designation	Post Office Address
Elaine McCoy	Alberta	Calgary, Alta.
Robert W. Peterson	Saskatchewan	Regina, Sask.
Lillian Eva Dyck	Saskatchewan	Saskatoon, Sask.
Art Eggleton, P.C.	Ontario	Toronto, Ont.
Nancy Ruth	Cluny	Toronto, Ont.
Roméo Antonius Dallaire	Gulf	Sainte-Foy, Que.
James S. Cowan	Nova Scotia	Halifax, N.S.
Andrée Champagne, P.C.	Grandville	Saint-Hyacinthe, Que.
Hugh Segal	Kingston-Frontenac-Leeds	Kingston, Ont.
Larry W. Campbell	British Columbia	Vancouver, B.C.
Rod A. A. Zimmer	Manitoba	Winnipeg, Man.
Dennis Dawson	Lauzon	Sainte-Foy, Que.
Sandra Lovelace Nicholas	New Brunswick	Tobique First Nations, N.B.
Bert Brown	Alberta	Kathryn, Alta.
Stephen Greene	Halifax-The Citadel	Halifax, N.S.
Michael L. MacDonald	Cape Breton	Dartmouth, N.S.
Michael Duffy	Prince Edward Island	Cavendish, P.E.I.
Percy Mockler	New Brunswick	St. Leonard, N.B.
John D. Wallace	New Brunswick	Rothsay, N.B.
Michel Rivard	The Laurentides	Quebec, Que.
Nicole Eaton	Ontario	Caledon, Ont.
Irving Gerstein	Ontario	Toronto, Ont.
Pamela Wallin	Saskatchewan	Wadena, Sask.
Nancy Greene Raine	Thompson-Okanagan-Kootenay	Sun Peaks, B.C.
Yonah Martin	British Columbia	Vancouver, B.C.
Richard Neufeld	British Columbia	Fort St. John, B.C.
Daniel Lang	Yukon	Whitehorse, Yukon
Patrick Brazeau	Repentigny	Maniwaki, Que.
Leo Housakos	Wellington	Laval, Que.
Suzanne Fortin-Duplessis	Rougemont	Quebec, Que.
Donald Neil Plett	Landmark	Landmark, Man.
Michael Douglas Finley	Ontario—South Coast	Simcoe, Ont.
Linda Frum	Ontario	Toronto, Ont.
Claude Carignan	Mille Isles	Saint-Eustache, Que.
Jacques Demers	Rigaud	Hudson, Que.
Judith G. Seidman (Ripley)	De la Durantaye	Saint-Raphaël, Que.
Carolyn Stewart Olsen	New Brunswick	Sackville, N.B.
Kelvin Kenneth Ogilvie	Annapolis Valley - Hants	Canning, N.S.
Dennis Glen Patterson	Nunavut	Iqaluit, Nunavut
Bob Runciman	Ontario—Thousand Islands and Rideau Lakes	Brockville, Ont.
Pierre-Hugues Boisvenu	La Salle	Sherbrooke, Que.
Elizabeth (Beth) Marshall	Newfoundland and Labrador	Paradise, Nfld. & Lab.
Rose-May Poirier	New Brunswick—Saint-Louis-de-Kent	Saint-Louis-de-Kent, N.B.
David Braley	Ontario	Burlington, Ont.
Salma Ataullahjan	Toronto—Ontario	Toronto, Ont.
Don Meredith	Ontario	Richmond Hill, Ont.
Fabian Manning	Newfoundland and Labrador	St. Bride's, Nfld. & Lab.
Larry W. Smith	Saurel	Hudson, Que.
Josée Verner, P.C.	Montarville	Saint-Augustin-de-Desmaures, Que.
Betty E. Unger	Alberta	Edmonton, Alta.
JoAnne L. Buth	Manitoba	Winnipeg, Man.
Norman E. Doyle	Newfoundland and Labrador	St. John's, Nfld. & Lab.
Asha Seth	Ontario	Toronto, Ont.
Ghislain Maltais	Shawinigan	Quebec City, Que.
Jean-Guy Dagenais	Victoria	Blainville, Que.
Vernon White	Ontario	Ottawa, Ont.

SENATORS OF CANADA

ALPHABETICAL LIST

(April 2, 2012)

Senator	Designation	Post Office Address	Political Affiliation
The Honourable			
Andreychuk, A. Raynell	Saskatchewan	Regina, Sask.	Conservative
Angus, W. David	Alma	Montreal, Que.	Conservative
Ataullahjan, Salma	Toronto—Ontario	Toronto, Ont.	Conservative
Baker, George S., P.C.	Newfoundland and Labrador	Gander, Nfld. & Lab.	Liberal
Boisvenu, Pierre-Hugues	La Salle	Sherbrooke, Que.	Conservative
Brale, David	Ontario	Burlington, Ont.	Conservative
Brazeau, Patrick	Repentigny	Maniwaki, Que.	Conservative
Brown, Bert	Alberta	Kathryn, Alta.	Conservative
Buth, JoAnne L.	Manitoba	Winnipeg, Man.	Conservative
Callbeck, Catherine S.	Prince Edward Island	Central Bedeque, P.E.I.	Liberal
Campbell, Larry W.	British Columbia	Vancouver, B.C.	Liberal
Carignan, Claude	Mille Isles	Saint-Eustache, Que.	Conservative
Champagne, Andr��e, P.C.	Grandville	Saint-Hyacinthe, Que.	Conservative
Chaput, Maria	Manitoba	Sainte-Anne, Man.	Liberal
Cochrane, Ethel	Newfoundland and Labrador	Port-au-Port, Nfld. & Lab.	Conservative
Comeau, Gerald J.	Nova Scotia	Saulnierville, N.S.	Conservative
Cools, Anne C.	Toronto Centre-York	Toronto, Ont.	Independent
Cordy, Jane	Nova Scotia	Dartmouth, N.S.	Liberal
Cowan, James S.	Nova Scotia	Halifax, N.S.	Liberal
Dagenais, Jean-Guy	Victoria	Blainville, Que.	Conservative
Dallaire, Rom��o Antonius	Gulf	Sainte-Foy, Que.	Liberal
Dawson, Dennis	Lauzon	Ste-Foy, Que.	Liberal
Day, Joseph A.	Saint John-Kennebecasis	Hampton, N.B.	Liberal
De Ban��, Pierre, P.C.	De la Valli��re	Montreal, Que.	Liberal
Demers, Jacques	Rigaud	Hudson, Que.	Conservative
Di Nino, Consiglio	Ontario	Downsview, Ont.	Conservative
Downe, Percy E.	Charlottetown	Charlottetown, P.E.I.	Liberal
Doyle, Norman E.	Newfoundland and Labrador	St. John's, Nfld. & Lab.	Conservative
Duffy, Michael	Prince Edward Island	Cavendish, P.E.I.	Conservative
Dyck, Lillian Eva	Saskatchewan	Saskatoon, Sask.	Liberal
Eaton, Nicole	Ontario	Caledon, Ont.	Conservative
Eggleton, Art, P.C.	Ontario	Toronto, Ont.	Liberal
Fairbairn, Joyce, P.C.	Lethbridge	Lethbridge, Alta.	Liberal
Finley, Michael Douglas	Ontario—South Coast	Simcoe, Ont.	Conservative
Fortin-Duplessis, Suzanne	Rougemont	Quebec, Que.	Conservative
Fraser, Joan Thorne	De Lorimier	Montreal, Que.	Liberal
Frum, Linda	Ontario	Toronto, Ont.	Conservative
Furey, George	Newfoundland and Labrador	St. John's, Nfld. & Lab.	Liberal
Gerstein, Irving	Ontario	Toronto, Ont.	Conservative
Greene, Stephen	Halifax - The Citadel	Halifax, N.S.	Conservative
Harb, Mac	Ontario	Ottawa, Ont.	Liberal
Hervieux-Payette, C��line, P.C.	Bedford	Montreal, Que.	Liberal
Housakos, Leo	Wellington	Laval, Que.	Conservative
Hubley, Elizabeth M.	Prince Edward Island	Kensington, P.E.I.	Liberal
Jaffer, Mobina S. B.	British Columbia	North Vancouver, B.C.	Liberal
Johnson, Janis G.	Manitoba	Gimli, Man.	Conservative
Joyal, Serge, P.C.	Kennebec	Montreal, Que.	Liberal
Kenny, Colin	Rideau	Ottawa, Ont.	Liberal
Kinsella, No��l A., <i>Speaker</i>	Fredericton-York-Sunbury	Fredericton, N.B.	Conservative

Senator	Designation	Post Office Address	Political Affiliation
Lang, Daniel	Yukon	Whitehorse, Yukon	Conservative
LeBreton, Marjory, P.C.	Ontario	Manotick, Ont.	Conservative
Losier-Cool, Rose-Marie	Tracadie	Tracadie-Sheila, N.B.	Liberal
Lovelace Nicholas, Sandra	New Brunswick	Tobique First Nations, N.B.	Liberal
MacDonald, Michael L.	Cape Breton	Dartmouth, N.S.	Conservative
Mahovlich, Francis William	Toronto	Toronto, Ont.	Liberal
Maltais, Ghislain	Shawinigan	Quebec City, Que.	Conservative
Manning, Fabian	Newfoundland and Labrador	St. Bride's, Nfld. & Lab.	Conservative
Marshall, Elizabeth (Beth)	Newfoundland and Labrador	Paradise, Nfld. & Lab.	Conservative
Martin, Yonah	British Columbia	Vancouver, B.C.	Conservative
Massicotte, Paul J.	De Lanaudière	Mont-Saint-Hilaire, Que.	Liberal
McCoy, Elaine	Alberta	Calgary, Alta.	Progressive Conservative
Mercer, Terry M.	Northend Halifax	Caribou River, N.S.	Liberal
Merchant, Pana	Saskatchewan	Regina, Sask.	Liberal
Meredith, Don	Ontario	Richmond Hill, Ont.	Conservative
Mitchell, Grant	Alberta	Edmonton, Alta.	Liberal
Mockler, Percy	New Brunswick	St. Leonard, N.B.	Conservative
Moore, Wilfred P.	Stanhope St./South Shore	Chester, N.S.	Liberal
Munson, Jim	Ottawa/Rideau Canal	Ottawa, Ont.	Liberal
Nancy Ruth	Cluny	Toronto, Ont.	Conservative
Neufeld, Richard	British Columbia	Fort St. John, B.C.	Conservative
Nolin, Pierre Claude	De Salaberry	Quebec, Que.	Conservative
Ogilvie, Kelvin Kenneth	Annapolis Valley - Hants	Canning, N.S.	Conservative
Oliver, Donald H.	South Shore	Halifax, N.S.	Conservative
Patterson, Dennis Glen	Nunavut	Iqaluit, Nunavut	Conservative
Peterson, Robert W.	Saskatchewan	Regina, Sask.	Liberal
Plett, Donald Neil	Landmark	Landmark, Man.	Conservative
Poirier, Rose-May	New Brunswick—Saint-Louis-de-Kent	Saint-Louis-de-Kent, N.B.	Conservative
Poulin, Marie-P.	Nord de l'Ontario/Northern Ontario	Ottawa, Ont.	Liberal
Poy, Vivienne	Toronto	Toronto, Ont.	Liberal
Raine, Nancy Greene	Thompson-Okanagan-Kootenay	Sun Peaks, B.C.	Conservative
Ringuette, Pierrette	New Brunswick	Edmundston, N.B.	Liberal
Rivard, Michel	The Laurentides	Quebec, Que.	Conservative
Rivest, Jean-Claude	Stadacona	Quebec, Que.	Independent
Robichaud, Fernand, P.C.	New Brunswick	Saint-Louis-de-Kent, N.B.	Liberal
Runciman, Bob	Ontario—Thousand Islands and Rideau Lakes	Brockville, Ont.	Conservative
St. Germain, Gerry, P.C.	Langley-Pemberton-Whistler	Maple Ridge, B.C.	Conservative
Segal, Hugh	Kingston-Frontenac-Leeds	Kingston, Ont.	Conservative
Seth, Asha	Ontario	Toronto, Ont.	Conservative
Seidman (Ripley), Judith G.	De la Durantaye	Saint-Raphaël, Que.	Conservative
Sibbeston, Nick G.	Northwest Territories	Fort Simpson, N.W.T.	Liberal
Smith, David P., P.C.	Cobourg	Toronto, Ont.	Liberal
Smith, Larry W.	Saurel	Hudson, Que.	Conservative
Stewart Olsen, Carolyn	New Brunswick	Sackville, N.B.	Conservative
Stratton, Terrance R.	Red River	St. Norbert, Man.	Conservative
Tardif, Claudette	Alberta	Edmonton, Alta.	Liberal
Tkachuk, David	Saskatchewan	Saskatoon, Sask.	Conservative
Unger, Betty E.	Alberta	Edmonton, Alta.	Conservative
Verner, Josée, P.C.	Montarville	Saint-Augustin-de-Desmaures, Que.	Conservative
Wallace, John D.	New Brunswick	Rothesay, N.B.	Conservative
Wallin, Pamela	Saskatchewan	Wadena, Sask.	Conservative
Watt, Charlie	Inkerman	Kuuujuaq, Que.	Liberal
White, Vernon	Ontario	Ottawa, Ont.	Conservative
Zimmer, Rod A. A.	Manitoba	Winnipeg, Man.	Liberal

SENATORS OF CANADA

BY PROVINCE AND TERRITORY

(April 2, 2012)

ONTARIO—24

Senator	Designation	Post Office Address
The Honourable		
1 Anne C. Cools	Toronto Centre-York	Toronto
2 Colin Kenny	Rideau	Ottawa
3 Consiglio Di Nino	Ontario	Downsview
4 Marjory LeBreton, P.C.	Ontario	Manotick
5 Marie-P. Poulin	Northern Ontario	Ottawa
6 Francis William Mahovlich	Toronto	Toronto
7 Vivienne Poy	Toronto	Toronto
8 David P. Smith, P.C.	Cobourg	Toronto
9 Mac Harb	Ontario	Ottawa
10 Jim Munson	Ottawa/Rideau Canal	Ottawa
11 Art Eggleton, P.C.	Ontario	Toronto
12 Nancy Ruth	Cluny	Toronto
13 Hugh Segal	Kingston-Frontenac-Leeds	Kingston
14 Nicole Eaton	Ontario	Caledon
15 Irving Gerstein	Ontario	Toronto
16 Michael Douglas Finley	Ontario—South Coast	Simcoe
17 Linda Frum	Ontario	Toronto
18 Bob Runciman	Ontario—Thousand Islands and Rideau Lakes	Brockville
19 David Braley	Ontario	Burlington
20 Salma Ataullahjan	Toronto—Ontario	Toronto
21 Don Meredith	Ontario	Richmond Hill
22 Asha Seth	Ontario	Toronto
23 Vernon White	Ontario	Ottawa
24		

SENATORS BY PROVINCE AND TERRITORY

QUEBEC—24

Senator	Designation	Post Office Address
The Honourable		
1 Charlie Watt	Inkerman	Kuuujuaq
2 Pierre De Bané, P.C.	De la Vallière	Montreal
3 Jean-Claude Rivest	Stadacona	Quebec
4 W. David Angus	Alma	Montreal
5 Pierre Claude Nolin	De Salaberry	Quebec
6 Céline Hervieux-Payette, P.C.	Bedford	Montreal
7 Serge Joyal, P.C.	Kennebec	Montreal
8 Joan Thorne Fraser	De Lorimier	Montreal
9 Paul J. Massicotte	De Lanaudière	Mont-Saint-Hilaire
10 Roméo Antonius Dallaire	Gulf	Sainte-Foy
11 Andrée Champagne, P.C.	Grandville	Saint-Hyacinthe
12 Dennis Dawson	Lauzon	Ste-Foy
13 Michel Rivard	The Laurentides	Quebec
14 Patrick Brazeau	Repentigny	Maniwaki
15 Leo Housakos	Wellington	Laval
16 Suzanne Fortin-Duplessis	Rougemont	Quebec
17 Claude Carignan	Mille Isles	Saint-Eustache
18 Jacques Demers	Rigaud	Hudson
19 Judith G. Seidman (Ripley)	De la Durantaye	Saint-Raphaël
20 Pierre-Hugues Boisvenu	La Salle	Sherbrooke
21 Larry W. Smith	Saurel	Hudson
22 Josée Verner, P.C.	Montarville	Saint-Augustin-de-Desmaures
23 Ghislain Maltais	Shawinigan	Quebec City
24 Jean-Guy Dagenais	Victoria	Blainville

SENATORS BY PROVINCE-MARITIME DIVISION

NOVA SCOTIA—10

Senator	Designation	Post Office Address
The Honourable		
1 Gerald J. Comeau	Nova Scotia	Saulnierville
2 Donald H. Oliver	South Shore	Halifax
3 Wilfred P. Moore	Stanhope St./South Shore	Chester
4 Jane Cordy	Nova Scotia	Dartmouth
5 Terry M. Mercer	Northend Halifax	Caribou River
6 James S. Cowan	Nova Scotia	Halifax
7 Stephen Greene	Halifax - The Citadel	Halifax
8 Michael L. MacDonald	Cape Breton	Dartmouth
9 Kelvin Kenneth Ogilvie	Annapolis Valley - Hants	Canning
10		

NEW BRUNSWICK—10

Senator	Designation	Post Office Address
The Honourable		
1 Noël A. Kinsella, <i>Speaker</i>	Fredericton-York-Sunbury	Fredericton
2 Rose-Marie Losier-Cool	Tracadie	Tracadie-Sheila
3 Fernand Robichaud, P.C.	Saint-Louis-de-Kent	Saint-Louis-de-Kent
4 Joseph A. Day	Saint John-Kennebecasis, New Brunswick	Hampton
5 Pierrette Ringuette	New Brunswick	Edmundston
6 Sandra Lovelace Nicholas	New Brunswick	Tobique First Nations
7 Percy Mockler	New Brunswick	St. Leonard
8 John D. Wallace	New Brunswick	Rothsay
9 Carolyn Stewart Olsen	New Brunswick	Sackville
10 Rose-May Poirier	New Brunswick—Saint-Louis-de-Kent	Saint-Louis-de-Kent

PRINCE EDWARD ISLAND—4

Senator	Designation	Post Office Address
The Honourable		
1 Catherine S. Callbeck	Prince Edward Island	Central Bedeque
2 Elizabeth M. Hubley	Prince Edward Island	Kensington
3 Percy E. Downe	Charlottetown	Charlottetown
4 Michael Duffy	Prince Edward Island	Cavendish

SENATORS BY PROVINCE-WESTERN DIVISION

MANITOBA—6

Senator	Designation	Post Office Address
The Honourable		
1 Janis G. Johnson	Manitoba	Gimli
2 Terrance R. Stratton	Red River	St. Norbert
3 Maria Chaput	Manitoba	Sainte-Anne
4 Rod A. A. Zimmer	Manitoba	Winnipeg
5 Donald Neil Plett	Landmark	Landmark
6 JoAnne L. Buth	Manitoba	Winnipeg

BRITISH COLUMBIA—6

Senator	Designation	Post Office Address
The Honourable		
1 Gerry St. Germain, P.C.	Langley-Pemberton-Whistler	Maple Ridge
2 Mobina S. B. Jaffer	British Columbia	North Vancouver
3 Larry W. Campbell	British Columbia	Vancouver
4 Nancy Greene Raine	Thompson-Okanagan-Kootenay	Sun Peaks
5 Yonah Martin	British Columbia	Vancouver
6 Richard Neufeld	British Columbia	Fort St. John

SASKATCHEWAN—6

Senator	Designation	Post Office Address
The Honourable		
1 A. Raynell Andreychuk	Saskatchewan	Regina
2 David Tkachuk	Saskatchewan	Saskatoon
3 Pana Merchant	Saskatchewan	Regina
4 Robert W. Peterson	Saskatchewan	Regina
5 Lillian Eva Dyck	Saskatchewan	Saskatoon
6 Pamela Wallin	Saskatchewan	Wadena

ALBERTA—6

Senator	Designation	Post Office Address
The Honourable		
1 Joyce Fairbairn, P.C.	Lethbridge	Lethbridge
2 Claudette Tardif	Alberta	Edmonton
3 Grant Mitchell	Alberta	Edmonton
4 Elaine McCoy	Alberta	Calgary
5 Bert Brown	Alberta	Kathryn
6 Betty E. Unger	Alberta	Edmonton

SENATORS BY PROVINCE AND TERRITORY

NEWFOUNDLAND AND LABRADOR—6

Senator	Designation	Post Office Address
The Honourable		
1 Ethel Cochrane	Newfoundland and Labrador	Port-au-Port
2 George Furey	Newfoundland and Labrador	St. John's
3 George S. Baker, P.C.	Newfoundland and Labrador	Gander
4 Elizabeth (Beth) Marshall	Newfoundland and Labrador	Paradise
5 Fabian Manning	Newfoundland and Labrador	St. Bride's
6 Norman E. Doyle	Newfoundland and Labrador	St. John's

NORTHWEST TERRITORIES—1

Senator	Designation	Post Office Address
The Honourable		
1 Nick G. Sibbeston	Northwest Territories	Fort Simpson

NUNAVUT—1

Senator	Designation	Post Office Address
The Honourable		
1 Dennis Glen Patterson	Nunavut	Iqaluit

YUKON—1

Senator	Designation	Post Office Address
The Honourable		
1 Daniel Lang.	Yukon.	Whitehorse

CONTENTS

Monday, April 2, 2012

PAGE

PAGE

SENATORS' STATEMENTS

Ottawa Regional Cancer Foundation

Fight for the Cure.

Hon. Patrick Brazeau 1541

World Autism Awareness Day

Hon. Jim Munson 1541

Ottawa Regional Cancer Foundation

Fight for the Cure.

Hon. David Tkachuk 1542

Mr. Henk Tepper

Hon. Mac Harb 1542

ROUTINE PROCEEDINGS

Budget 2012

Document Tabled.

Hon. Claude Carignan 1542

Social Affairs, Science and Technology

Budget—Study on the Progress in Implementing
the 2004 10-Year Plan to Strengthen Health Care—
Eighth Report of Committee Presented.

Hon. Kelvin Kenneth Ogilvie 1542

Budget and Authorization to Engage Services—
Study on Social Inclusion and Cohesion—
Ninth Report of Committee Presented.

Hon. Kelvin Kenneth Ogilvie 1543

Budget and Authorization to Engage Services—
Study on Prescription Pharmaceuticals—
Tenth Report of Committee Presented.

Hon. Kelvin Kenneth Ogilvie 1543

National Finance

Budget—Study on Potential Reasons for Price Discrepancies
of Certain Goods between Canada and the United States—
Ninth Report of Committee Presented.

Hon. Joseph A. Day 1543

Industrial Alliance Pacific Insurance and Financial Services Inc. (Bill S-1003)

Private Bill—First Reading.

Hon. Gerald J. Comeau 1544

Anti-terrorism

Notice of Motion to Authorize Special Committee to Refer
Papers and Evidence from Related Special Committees
of Previous Sessions to Current Session.

Hon. Hugh Segal 1544

Electoral Riding Redistribution

Notice of Inquiry.

Hon. Maria Chaput 1544

Budget 2012

Notice of Inquiry.

Hon. Claude Carignan 1544

QUESTION PERIOD

National Defence

F-35 Aircraft Purchase.

Hon. James S. Cowan 1544

Hon. Marjory LeBreton 1545

Finance

Hiring Credit for Small Business.

Hon. Robert W. Peterson 1545

Hon. Marjory LeBreton 1545

Citizenship and Immigration

Immigration Applicant with Intellectual Disabilities.

Hon. Jim Munson 1545

Hon. Marjory LeBreton 1546

Human Resources and Skills Development

National Council of Welfare.

Hon. Hugh Segal 1546

Hon. Marjory LeBreton 1546

Foreign Affairs

Henk Tepper—Release from Custody in Lebanon.

Hon. Mac Harb 1547

Hon. Marjory LeBreton 1547

Environment

Climate Change.

Hon. Grant Mitchell 1547

Hon. Marjory LeBreton 1548

Delayed Answers to Oral Questions

Hon. Claude Carignan 1548

Transport

X-ray Body Scanners at Airports.

Question by Senator Jaffer.

Hon. Claude Carignan (Delayed Answer) 1548

Finance

Canada's Economic Action Plan.

Question by Senator Hervieux-Payette.

Hon. Claude Carignan (Delayed Answer) 1549

ORDERS OF THE DAY

Criminal Code

Firearms Act (Bill C-19)

Bill to Amend—Third Reading—Debate Adjourned.

Hon. Daniel Lang 1549

Allotment of Time for Debate—Notice of Motion.

Hon. Claude Carignan 1551

Criminal Code (Bill S-9)

Bill to Amend—Second Reading—Debate Adjourned.

Hon. A. Raynell Andreychuk 1552

Hon. Serge Joyal 1554

Old Age Security

Inquiry—Debate Continued.

Hon. Claude Carignan 1555

Poverty in New Brunswick

Inquiry—Debate Continued.

Hon. Maria Chaput 1555

Appendix to Delayed Answer 1559

Appendix i



If undelivered, return COVER ONLY to:
Public Works and Government Services Canada
Publishing and Depository Services
Ottawa, Ontario K1A 0S5



SENATE

SÉNAT



CANADA

DEBATES OF THE SENATE

1st SESSION

• 41st PARLIAMENT

• VOLUME 148

• NUMBER 67

OFFICIAL REPORT
(HANSARD)

Tuesday, April 3, 2012



THE HONOURABLE PIERRE CLAUDE NOLIN
ACTING SPEAKER

CONTENTS

(Daily index of proceedings appears at back of this issue).

Debates Services: D'Arcy McPherson, National Press Building, Room 906, Tel. 613-995-5756
Publications Centre: David Reeves, National Press Building, Room 926, Tel. 613-947-0609

Published by the Senate
Available from PWGSC – Publishing and Depository Services, Ottawa, Ontario K1A 0S5.
Also available on the Internet: <http://www.parl.gc.ca>

THE SENATE

Tuesday, April 3, 2012

The Senate met at 2 p.m., the Honourable Pierre Claude Nolin, Acting Speaker, in the chair.

Prayers.

SENATORS' STATEMENTS

MS. BETTY HOWATT

Hon. Catherine S. Callbeck: Honourable senators, it is my distinct pleasure today to rise in recognition of an individual who has made an outstanding contribution to a greater understanding of the importance of the Prince Edward Island way of life.

Betty Howatt has a deep knowledge and understanding of the Island's plants and animals, one that comes from a lifetime of living close to the land. She has compiled that lifetime of experience in a most popular book called *Tales from Willowshade Farm*. In that book, she has shared her stories of gardening, wildlife, folklore, folk medicine, and memories of days gone by. She has also shared those stories through her regular CBC radio broadcast, gaining her a wide and receptive audience for her humour and wisdom.

Betty Howatt's commitment to the environment, agriculture and the history of Prince Edward Island has earned her the respect and admiration of her fellow Islanders. It has also brought official recognition. Last month, she was one of six individuals who were presented with the first Diamond Jubilee Medals in Prince Edward Island. The citation noted that she is a champion of Prince Edward Island's environmental and agricultural heritage. The medal was presented in recognition of her work in promoting environmental stewardship and the importance of farming to the Island's economy and way of life.

Last month also saw her presented with another prestigious award, the Award of Honour from the Prince Edward Island Museum and Heritage Foundation. That award was presented for contributions in raising awareness of Island heritage and for her work on the board of the P.E.I. Museum and Heritage Foundation for 12 years.

Many Canadians have made a major contribution to our understanding and appreciation of the world around us. Betty Howatt is one such individual. I would ask honourable senators to join me in recognizing her lifetime of achievement.

FIRST NATIONS EDUCATION AND LEARNING

Hon. Gerry St. Germain: Honourable senators, I rise today to acknowledge and give credit to the Government of Canada for rolling up its sleeves and making reasonable, informed decisions in challenging economic times, as it has done through the measures outlined in last week's budget.

Honourable senators, we all know that our Senate committees work hard, and I can honestly say that during my 19 years in this place, the Standing Senate Committee on Aboriginal Peoples has done a tremendous amount of work and produced several excellent reports. The members of the committee have done their very best to provide sound advice to the government in the interests of the Aboriginal constituency we all serve, on both sides.

In the course of producing one of our reports, *Sharing Canada's Prosperity — A Hand Up, Not a Handout*, initiated under the chairmanship of Honourable Senator Nick Sibbeston, and throughout our study of several other topics, our committee noted a recurring theme. We came to realize that the key to unlocking the economic potential of Canada can only be found through education, which is the attainment of knowledge and skills development. Education and learning produce the capacity needed, thus allowing leadership to flourish, causing people to take control of their own destiny.

Honourable senators, we must fully recognize and give high regard to this government for its careful study of our Senate report — not mine but ours — *Reforming First Nations Education: From Crisis to Hope*, along with a national panel's report and listening to what Aboriginal leaders said during the Crown-First Nations gathering last January.

The government is the first to truly recognize that Canada's future lies in doing what must be done to ensure that every Canadian has an equal opportunity, not only to unlock the economic potential of Canada but to ensure that every Canadian can fully invest themselves in the communities in which they live. That, in essence, is the value of education.

The government has committed to invest \$275 million over three years to provide early literacy learning supports and to build and renovate schools on-reserve. Most important, the government has committed to work with First Nations and create a First Nations education act that will establish for the first time the structures and standards to support strong and accountable education systems in First Nations communities.

• (1410)

As our Senate report also recommended, the government will create the mechanisms to ensure stable, predictable and sustainable funding for First Nations elementary and secondary education.

Honourable senators, education cultivates the independent mind to enable free people to choose their future, to reach out and succeed, to make our dreams come true. Together as non-partisans in this Senate of Canada, we can achieve that which many other institutions of government can only hope for.

Thank you and God bless you.

INTERNATIONAL DAY FOR MINE AWARENESS

[English]

Hon. Elizabeth Hubley: Honourable senators, tomorrow is the International Day for Mine Awareness. For the past 20 years, the International Campaign to Ban Landmines has worked tirelessly around the globe to rid the world of land mines. This has been an overwhelmingly successful campaign. Since the Ottawa treaty to ban land mines came into force in 1999, the global trade in land mines has almost completely dried up, most countries have destroyed their stockpiles of land mines and very few countries still actively use land mines. With each passing year, we see more minefields cleared and fewer victims maimed.

Nevertheless, the fight is not finished. There are still thousands of acres of minefields to be cleared and, most troubling, newly planted land mines to contend with. Last year land mines were used by government forces in Libya, and now they are being used in Syria. The Syrian government has planted anti-personnel land mines along its borders, specifically to target fleeing refugees. This is absolutely unacceptable, and these actions have been roundly condemned by countries around the world, including Canada.

Sadly, civilians are the overwhelming victims of land mines. Children especially are particularly vulnerable, and those lucky enough to survive will go through life with missing limbs and permanent disabilities.

In order to show our support for these children and all victims of land mines, Mines Action Canada is inviting Canadians to participate in the “lend your leg or arm and stand with survivors” campaign on April 4. Tomorrow I will be rolling up my sleeve in solidarity with land mine survivors. I encourage all honourable senators to join me.

VISITORS IN THE GALLERY

The Hon. the Acting Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of representatives from the Ontario Federation of Agriculture (OFA), Quebec Farmers' Association (QFA) and L'Union des cultivateurs franco-ontariens (UCFO). They are the guests and visitors of Senator Fairbairn.

On behalf of all senators, I welcome you warmly to the Senate of Canada.

Hon. Senators: Hear, hear.

[Translation]

ROUTINE PROCEEDINGS

CANADIAN HUMAN RIGHTS TRIBUNAL

2011 ANNUAL REPORT TABLED

The Hon. the Acting Speaker: Honourable senators, I have the honour to table, in both official languages, the 2011 Annual Report of the Canadian Human Rights Tribunal, pursuant to subsection 61(4) of the Canadian Human Rights Act.

AUDITOR GENERAL

2012 SPRING REPORT TABLED

The Hon. the Acting Speaker: Honourable senators, I have the honour to table, in both official languages, the 2012 Spring Report to the House of Commons, pursuant to subsection 7(5) of the Auditor General Act.

AGRICULTURE AND FORESTRY

BUDGET AND AUTHORIZATION TO ENGAGE SERVICES AND TRAVEL—STUDY ON RESEARCH AND INNOVATION EFFORTS IN AGRICULTURAL SECTOR—SIXTH REPORT OF COMMITTEE PRESENTED

Hon. Percy Mockler, Chair of the Standing Senate Committee on Agriculture and Forestry, presented the following report:

Tuesday, April 3, 2012

The Standing Senate Committee on Agriculture and Forestry has the honour to present its

SIXTH REPORT

Your committee, which was authorized by the Senate on Thursday, June 16, 2011 to examine and report on research and innovation efforts in the agricultural sector, respectfully requests funds for the fiscal year ending March 31, 2013, and requests, for the purpose of such study, that it be empowered to:

- (a) engage the services of such counsel, technical, clerical and other personnel as may be necessary for the purpose of such study; and
- (b) travel inside Canada; and
- (c) to travel outside Canada.

Pursuant to Chapter 3:06, section 2(1)(c) of the *Senate Administrative Rules*, the budget submitted to the Standing Committee on Internal Economy, Budgets and Administration and the report thereon of that committee are appended to this report.

Respectfully submitted,

PERCY MOCKLER
Chair

(For text of budget, see today's Journals of the Senate, Appendix A, p. 1108.)

The Hon. the Acting Speaker: Honourable senators, when shall this report be taken into consideration?

(On motion of Senator Mockler, report placed on the Orders of the Day for consideration at the next sitting of the Senate.)

STUDY ON THE ESTABLISHMENT OF A "CHARTER OF THE COMMONWEALTH"

THIRD REPORT OF FOREIGN AFFAIRS AND INTERNATIONAL TRADE COMMITTEE TABLED

Hon. A. Raynell Andreychuk: Honourable senators, I have the honour to table, in both official languages, the third report of the Standing Senate Committee on Foreign Affairs and International Trade, entitled: *A Charter "Fit for Purpose": Parliamentary Consultation on the Proposed Charter of the Commonwealth*.

(On motion of Senator Andreychuk, report placed on the Orders of the Day for consideration at the next sitting of the Senate.)

NATIONAL SECURITY AND DEFENCE

BUDGET AND AUTHORIZATION TO TRAVEL— STUDY ON STATE OF DEFENCE AND SECURITY RELATIONS WITH THE UNITED STATES— FIFTH REPORT OF COMMITTEE PRESENTED

Hon. Pamela Wallin, Chair of the Standing Senate Committee on National Security and Defence, presented the following report:

Tuesday, April 3, 2012

The Standing Senate Committee on National Security and Defence has the honour to present its

FIFTH REPORT

Your committee, which was authorized by the Senate on Wednesday, March 7, 2012, to examine and report the state of Canada's defence and security relations with the United States, requests funds for the fiscal year ending March 31, 2013, and requests, for the purpose of such study, that it be empowered to travel outside Canada.

Pursuant to Chapter 3:06, section 2(1)(c) of the *Senate Administrative Rules*, the budget submitted to the Standing Committee on Internal Economy, Budgets and Administration and the report thereon of that committee are appended to this report.

Respectfully submitted,

PAMELA WALLIN
Chair

(For text of budget, see today's Journals of the Senate, Appendix B, p. 1124.)

The Hon. the Acting Speaker: Honourable senators, when shall this report be taken into consideration?

(On motion of Senator Wallin, report placed on the Orders of the Day for consideration at the next sitting of the Senate.)

BUDGET—STUDY ON SERVICES AND BENEFITS FOR MEMBERS AND VETERANS OF ARMED FORCES AND CURRENT AND FORMER MEMBERS OF THE RCMP, COMMEMORATIVE ACTIVITIES AND CHARTER—SIXTH REPORT OF COMMITTEE PRESENTED

Hon. Pamela Wallin, Chair of the Standing Senate Committee on National Security and Defence, presented the following report:

Tuesday, April 3, 2012

The Standing Senate Committee on National Security and Defence has the honour to present its

SIXTH REPORT

Your committee, which was authorized by the Senate on Wednesday, June 22, 2011, to study issues concerning veterans affairs, requests funds for the fiscal year ending March 31, 2013.

Pursuant to Chapter 3:06, section 2(1)(c) of the *Senate Administrative Rules*, the budget submitted to the Standing Committee on Internal Economy, Budgets and Administration and the report thereon of that committee are appended to this report.

Respectfully submitted,

PAMELA WALLIN
Chair

(For text of budget, see today's Journals of the Senate, Appendix C, p. 1130.)

The Hon. the Acting Speaker: Honourable senators, when shall this report be taken into consideration?

(On motion of Senator Wallin, report placed on the Orders of the Day for consideration at the next sitting of the Senate.)

CANADA-CHINA LEGISLATIVE ASSOCIATION CANADA-JAPAN INTER-PARLIAMENTARY GROUP

ANNUAL MEETING OF THE ASIA-PACIFIC PARLIAMENTARY FORUM, JANUARY 8-12, 2012—REPORT TABLED

Hon. Donald Neil Plett: Honourable senators, I have the honour to table, in both official languages, the report of the Canadian parliamentary delegation of the Canada-China Legislative Association and the Canada-Japan Inter-Parliamentary Group respecting its participation at the Twentieth Annual Meeting of the Asia-Pacific Parliamentary Forum, held in Tokyo, Japan, from January 8 to 12, 2012.

• (1420)

ENERGY, THE ENVIRONMENT AND NATURAL RESOURCES

COMMITTEE AUTHORIZED TO MEET DURING SITTING OF THE SENATE

Hon. W. David Angus: Honourable senators, with leave of the Senate and notwithstanding rule 58(1)(a), I move:

That the Standing Senate Committee on Energy, the Environment and Natural Resources have power to sit after the vote but not before 5 p.m. on Tuesday, April 3, 2012, even though the Senate may then be sitting, and that rule 95(4) be suspended in relation thereto.

The Hon. the Acting Speaker: Is leave granted, honourable senators?

Hon. Senators: Agreed.

The Hon. the Acting Speaker: It is moved by the Honourable Senator Angus, seconded by the Honourable Senator Stratton, that the Standing Senate Committee on Energy, the Environment and Natural Resources have the power to sit at 5 p.m. on Tuesday, April 3, 2012, even though the Senate may then be sitting, and that rule 95(4) be suspended in relation thereto.

[Translation]

Hon. Claudette Tardif (Deputy Leader of the Opposition): May I ask the honourable senator for a few explanations regarding why the committee should sit while the Senate is sitting?

Senator Angus: With pleasure.

[English]

It is rather a special circumstance, honourable senators.

I understand there might be a vote around 5 or 5:30 p.m. Due to a wonderful initiative of Senator Mitchell, a group of high school students from Edmonton have been following our energy study for some five or six months, and they have been doing a project whereby they are taking a profound interest in the work that the Senate is doing through this particular committee. They have done individual in-depth preparations so that they will interact with our committee at our meeting, which is normally scheduled for five o'clock today. They are here with chaperones, school professors and/or teachers. We are looking forward to what I understand will be the first time in the history of the Senate that we have had a formal youth organization come and participate in an interactive way in the work that we are doing. We are quite excited about it. We do not want to interrupt and be sort of halfway through and then come back for a vote or vice versa.

The gist of what I am asking, on behalf of my colleagues on the committee, is that we be permitted to sit after the vote and not before five o'clock. I hope that answers your question, Senator Tardif.

Senator Tardif: Absolutely.

The Hon. the Acting Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

(Motion agreed to.)

QUESTION PERIOD

NATIONAL DEFENCE

F-35 AIRCRAFT PURCHASE

Hon. Wilfred P. Moore: Honourable senators, we have really reached an all-time low with this government's actions with the F-35 fighter jet program. The Auditor General today stated:

In May 2008, through the *Canada First* Defence Strategy, the federal government announced its intent to replace the CF-18 fleet with 65 "next generation" fighter aircraft. Then, in July 2010, the government announced its decision to buy the F-35 Lightning II, without following a competitive process, as the CF-18 replacement.

Now, the Auditor General has condemned DND for not providing key information in a timely manner and for not providing cost information to parliamentarians. The AG also implicates Public Works and Government Services for just going along with DND without key documentation and approvals.

The Prime Minister himself misled Canadians during an election campaign — I spoke about this last week — regarding the existence of a contract and his statement that Canada was shielded from rising costs in the F-35 program.

At best, this is incompetence at every level and step since 2008 in this process. At worst, it is a conscious decision by this government to push this purchase no matter what the cost or abuses to the process.

Can the Leader of the Government in the Senate explain so many lapses in judgment from the Prime Minister to the Minister of Defence to the officers responsible for procurement to the Minister of Public Works and Government Services? Honourable senators, this is everyone we know of so far.

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, first of all, I would like to thank the new Auditor General for his work in this area. The government accepts the conclusions of the Auditor General and will implement his recommendations.

The government is taking immediate action to ensure that due diligence, oversight and transparency are firmly embedded in the process to replace the aging fighter aircraft fleet, and, as a result, the government has frozen funding and is establishing a separate F-35 secretariat outside of National Defence to lead this project forward.

Senator Moore: Now the government's response to the Auditor General's damning report of the F-35 purchase is to create another layer of bureaucracy, which the leader has mentioned, this time in the Department of Public Works, which will monitor and manage the procurement process.

In light of this development, the creation of a secretariat to manage the procurement process, combined with the just days' old announcement of cuts to all departments, when will the government do the fiscally responsible thing and get rid of the position of minister responsible for procurement?

Senator LeBreton: I think that is a very provocative statement the honourable senator has just made. We have examples of secretariats within the Department of Public Works in the past doing excellent work. The government, as I just indicated, will immediately establish a new F-35 secretariat within the Department of Public Works and Government Services. The secretariat will play the leading coordinating role as the government moves forward to replace the CF-18 fleet. A committee of deputy ministers will be established to provide oversight of the F-35 secretariat, and I believe this is a prudent and proper course to follow. We have outstanding public servants, and we can certainly have every confidence in the work of this secretariat.

Senator Moore: Just feeling that one has to create a secretariat after all the other ministries, bureaucrats and officials have been involved in this process is quite an indictment, I would say, of the performance of the government and the ministries.

The government has also decided to freeze the acquisition costs at \$9 billion for this fleet of aircraft. That will obviously limit the number of aircraft that DND can purchase. If, as the best estimates state, the ballooning cost per unit is nearing \$200 million, we might be able to afford only 45 of these airplanes.

How can the government square this reduced number with the declaration by DND that 65 aircraft was the absolute least number that the Canadian Forces could purchase in order to fulfill its NORAD and NATO requirements?

• (1430)

Why was this government so insistent on the number of 65 for the past four years when it is obvious now that the number was absolutely unachievable in the face of spiraling costs and in the face of Chinese cybertheft? I would like some answers, provocative or not.

Senator LeBreton: Let us let the secretariat do its work. The government, as I indicated earlier, has frozen the funds.

At the end of the day, honourable senators, Canada will not sign a contract to purchase new aircraft until all of the steps are completed and developmental work is sufficiently advanced.

Canada remains committed to ensuring that the Royal Canadian Air Force has the aircraft it needs to do the jobs we ask of them. Our primary responsibility is to ensure that the men

and women of the Royal Canadian Air Force, and our armed services generally, have the best available equipment. By going through this process, I believe it is a prudent and responsible action on the part of the government.

Again, I would like to personally and on behalf of the government thank the new Auditor General, Michael Ferguson, for his report. We fully accept his recommendations.

Hon. Jane Cordy: Honourable senators, it is quite interesting that the government seems to be surprised and has waited until the Auditor General has made his report before taking any action.

The Liberal caucus in the Senate and the House of Commons has been raising this issue for the past two years. In fact, on February 1 of this year, Senator Moore asked a question in this house and has asked a number of them on the F-35s. The leader's answer was that the government believes the F-35 is an aircraft that meets the needs of Canada and our commitments to NATO. Her responses to most of those questions indicated how firmly she believed that the F-35s were going to be the answer.

Why was the government not asking questions of our own departments, such as the Department of National Defence?

Senator LeBreton: Honourable senators, the fact of the matter is that if the government were to respond to every newspaper article, all the various speculations and the discussions in the Liberal caucus, we would not get anything done.

The Auditor General is the person best equipped to go in and look at the various records of the departments. Of course, the Auditor General has done this. He has provided the government with information and conclusions as to the process that was followed here. The government fully accepts the work and recommendations of the Auditor General and, as I have already indicated, will freeze the funds and allow the secretariat to do its work.

At the end of the day, the goal of the government is to provide our hard-working, dedicated members of the Royal Canadian Air Force with the very best equipment available, also keeping in mind our NATO commitments.

Senator Cordy: On March 14 of this year, in response to another question by Senator Moore, Senator LeBreton said:

Honourable senators, the media reports that we are abandoning the F-35 program are erroneous.

Two weeks later, they are no longer erroneous. The Auditor General has said the items that we have heard questions about in the House of Commons and certainly from Senator Moore, Senator Dallaire and Senator Cowan in the Senate Chamber have proven to be correct. This government has ignored them. I would think a responsible government would try to find the answers to these questions.

Since the honourable senator did not answer, why was the government not asking questions of the Department of National Defence and the Department of Public Works to get to the

bottom of this matter? Obviously, the Auditor General asked questions and got answers. The answers are that this should not have gone as far as it did and that it was mismanaged.

I ask again, why did the government not ask questions of the Department of Public Works and the Department of National Defence?

Senator LeBreton: First, I did not see anywhere in the Auditor General's report or in any of the responses from the government that we were abandoning the F-35 program. As a matter of fact, the government has stated that Industry Canada, through the F-35 secretariat, will continue identifying opportunities for Canadian industry to participate in the F-35 Joint Strike Fighter Global Supply Chain, as well as other potential benefits for Canada in sustainment, testing and training, and will provide updates to Parliament. That is a very important point to make: There is a commitment to make updates to Parliament, in this case explaining the benefits.

Honourable senators, the Auditor General took a good, hard look at this. When one reads the Auditor General's report, it does state that the work done between the Department of National Defence and industry was a proper process, but we have now put a freeze on the program. I think that is the responsible thing to do. That is certainly what Senator Cordy has been demanding that we do.

At the end of the day, Canada will not sign a contract to purchase new aircraft until all the steps the government has laid out today are completed and developmental work is sufficiently advanced.

As I pointed out, all of the steps taken will ensure that the loyal, dedicated members of the Royal Canadian Air Force have the best possible equipment to go forward and do the job we ask of them.

Hon. James S. Cowan (Leader of the Opposition): Honourable senators, the question is, why did it take the Auditor General's report to do what ordinary Canadians and experts — Allan Williams as an example. I saw him being interviewed on CBC television this morning, and he said the government had it wrong from the very beginning.

The Auditor General caught the government out in a lie. Why did it take until that stage before the government acted and did what those of us on this side, in the other place and experts from across the country and elsewhere, beyond the borders of our country, have been saying that the government should have been doing for years? Why did the government wait to do it now?

Senator LeBreton: First, it is really quite improper to say that the Auditor General caught the government out in a lie. That is not the case and the honourable senator knows it.

The fact of the matter is that Mr. Williams has always been in the media as a person who was not supportive of this program. Other people in the media were supportive of the program. For every person one can cite who did not support the program, I can cite a number of people who did.

There is only one person in this country who can go in and look at these programs, department to department and inter-department, and it is the Auditor General. The Auditor General has now done this, and he has done a good and thorough job. The government thanks him and accepts his recommendations to put a freeze on the program.

The secretariat that is being established under the Department of Public Works will be made up of experienced deputy ministers. We saw an example in the past of how these deputy ministers work in the shipbuilding area. I have every confidence that this secretariat will ensure that all the proper steps are followed and that at the end of the day we will have an aircraft deserving of our good men and women in the Armed Forces.

Senator Cowan: Surely the leader is not pretending that the government could not have gotten this information, coordinated it and come up with this report without having the Auditor General come in. Surely the government has the capacity to draw information from various departments in government and come to the same conclusion that the Auditor General did.

Speaking of misleading Canadians and Parliament, let me read what the Prime Minister said on April 8, 2011, which as I recall happened to be in the middle of an election campaign:

You have to understand that in terms of the F-35 costs, we've been very detailed with those to the Canadian public. A lot of the developmental costs you're reading in the United States, the contract we've signed —

— this is the Prime Minister speaking —

— shelters us from any increase in those kinds of costs. We're very confident of our cost estimates and we have built in some latitude, some contingency in any case. So we are very confident we are within those measures.

• (1440)

What contract was he referring to?

Senator LeBreton: If the honourable senator would check with the leader of the third party in the other place, that was exactly the question he put to the Prime Minister, and the Prime Minister responded to that question. I would be happy to provide the honourable senator with a copy of the Prime Minister's response. The Prime Minister responded to the agreement of all nations in terms of the development of the F-35, which, of course, started 15 years ago under the previous Liberal government.

Senator Cowan: That development contract was entered into by the then Government of Canada, and I think \$100 million was contributed toward the developmental costs. By the time that government took over in the mid-1990s, that contract had already generated some \$400 million worth of contracts for defence contractors in Canada. It was a very good investment of \$100 million in the early 2000s and there was absolutely no commitment at that time by the then government that this country would purchase the F-35s. Does the minister not agree that that is correct?

Senator LeBreton: I absolutely do not agree that that is correct. Senator Cowan is very clever, but he will have to get up early in the morning to put words in my mouth.

The honourable senator talks about the various departments, but it takes a person like the Auditor General to actually go into the separate departments and put the pieces together. That is role of the Auditor General.

The Auditor General has been working on this for some time. He has made recommendations and the government has accepted them. We have frozen the funding. We are establishing a secretariat to work through best practices here. I think that is what the Canadian public would want us to do, and that is what we are doing. At the end of the day, our goal is to have a process that produces the best aircraft available for our men and women of the Royal Canadian Air Force.

Hon. David P. Smith: I would like to ask the government leader if she believes — and I emphasize the word “believes” — the Auditor General had a valid point. I also emphasize the word “valid.” If so, how would she characterize the valid point that he had?

Senator LeBreton: I think I made it clear that the government thinks the Auditor General had a valid point. We agree with his recommendations and have taken measures to address them.

Hon. Robert W. Peterson: The government had a contract and was protected with an upside fee. Can the leader tell us what the break free will be if the government does not proceed with this contract?

Senator LeBreton: Let us not put the cart before the horse. Let us accept the recommendations of the Auditor General, which we have done. I applaud the new Auditor General for his report. The government accepts his recommendations. The government has taken action to freeze the funds and establish a secretariat. The government has committed to make regular reports to Parliament on this. Let us allow the secretariat to do its job before we start answering hypothetical questions of “what if?” and “why not?”

ENVIRONMENT

OIL SANDS REGULATIONS

Hon. Grant Mitchell: Honourable senators, I have to qualify this question before I ask it. Despite how this question may sound to some members of this house, I want to say that I really appreciate the unanimous support of the Conservatives for our special meeting later today. Thank you very much.

The government said they would release regulations for oil sands emissions last June. Ten months later, environmentalists and the industry — they actually have been brought together in agreement by this government, believe it or not — are both wondering what is going on. The budget gives us some insight. There have, of course, been brutal cuts to environmental policy programs, initiatives, insight — you name it — in this budget.

My question is to the Leader of the Government in the Senate. Is not one of the reasons for the delays in the regulations for the oil sands that after laying off upwards of 1,000 people in the Environment Department, there is simply no one there to work on developing those regulations?

Hon. Marjory LeBreton (Leader of the Government): If the honourable senator read the budget — which is a debatable point, I know — it demonstrates that our government is fully committed to a strong environment agenda, even as it takes significant steps to restore fiscal balance. In keeping with our commitment to resources development that creates jobs and protects the environment, funding for the Major Projects Management Office has been renewed.

Is the honourable senator listening? No. He only asks the questions. He never listens to the answers.

Despite the opposition's rhetoric — the honourable senator seems to fit that profile very well — longer does not equal better. Our renewed focus on improving elements of environmental assessments will benefit all Canadians. We also renewed funding for species at risk. We are committed to creating a new national park in the Rouge Valley, which is well applauded, and we are continuing support for other environmental efforts, such as support for Lake Winnipeg and Lake Simcoe.

If one reads the budget, there is a lot in it. I think my colleague Senator Raine went over yesterday to try to convince Senator Mitchell of this, but I rather suggested to her that is like trying to spit in the ocean, if one wants to make any kind of impact. The fact of the matter is that the budget contains a lot of support for the environment.

Senator Mitchell: I really appreciate the answer to a question that I did not ask. There is not a single thing in that answer — I use that term lightly — that addresses the issue of regulations in climate change.

I might mention that Senator Raine brought over the list of what the government is doing. However, if one reads it properly, which I did, it said this is what the government has done since 2006, and of course all of it has been cancelled, so it was not that edifying.

The Canadian Association of Petroleum Producers indicates that they are concerned that there has not been a constructive dialogue between the government and industry over the development of regulations. One would think that the one group with which this government would want to have a constructive dialogue would be industry. They are saying that clearly this has not been the case. Is that because after laying off 1,000 people in this department there is simply no one to do that, or is that because the government really does not want to regulate them, never will, and there is no point in talking to anyone about developing regulations anyway?

Senator LeBreton: The fact of the matter is I answered the question about the budget because the honourable senator referred to the budget, and I pointed out some of the things that are in the budget.

Senator Mitchell is absolutely wrong. There have not been 1,000 people laid off in the department. There are lots of people in that department. The government is using many resources in the department and in the private sector to assist in the environment portfolio. Our commitment to the environment is the strongest of any government in history, far better than the government that preceded us, which did, as I said yesterday, absolutely nothing.

Senator Mitchell: Is it just a coincidence or did the government do this on purpose, where it shut down the National Round Table on the Environment and the Economy, which was a spokesperson and advocate for a climate change initiative — it was Conservatives, too — to save \$5.5 million, which was then directly put into the CRA so they could muster the way to muzzle all those environmental groups that are also trying to make some sense of the environmental policy of this government?

Senator LeBreton: Oh, my goodness, how he knits one thing into another.

The fact of the matter is that many agencies of government have outlived their usefulness. There is other expertise now that we can rely on. We have many scientists working for the Department of Environment who have participated in many public meetings and certainly are not muzzled.

FINANCE

HIRING CREDIT FOR SMALL BUSINESS

Hon. Catherine S. Callbeck: Honourable senators, my question is to the Leader of the Government in the Senate. The hiring credit for small business provides up to \$1,000 a year to a business that has an increase of EI premiums over the previous year. I am glad that the government has continued this credit in the recent budget, but my concern is the same as it was when this was first introduced.

• (1450)

The problem is that not every small business will be eligible for this credit, because to be eligible a business must pay \$10,000 or less in EI premiums, which means that half of the small businesses in Canada are not eligible for this program. In fact, a business with more than nine employees at the maximum insurable earnings cannot get the hiring credit.

We all know that small business is important to the economy, that it creates jobs and that it is the real driver. Why can all small businesses not take advantage of the hiring credit?

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, this follows along on other questions that Senator Callbeck has asked. This was a credit to allow small businesses to hire. In all of these arguments about EI and EI payments, I am reminded that the third party in the other place actually supported a 45-day work year, which would have drastically increased the EI premiums. This provision was put in the budget to assist small businesses when they hire. The program works. It worked last year and it will work into the future.

The fact of the matter is that we design tax policies for those who pay taxes. I do not know how one can design a tax policy and give tax credits to people who do not pay tax. I have trouble getting my head squared around that.

Senator Callbeck: Honourable senators, this does not have to do with whether or not a business pays taxes. It is simply a credit for small business. It provides up to \$1,000 to a business that has had an increase in EI premiums in the past year.

I think, as I said, that this is a good program, and I applaud the government for bringing it in again. However, why would the government bring in this program to cover only half of the small businesses? Half of the small businesses in this country are not eligible for this program. Why?

Senator LeBreton: Honourable senators, again, I do not know how one brings in a program for people who were not intended to be covered by the program. However, I will take the question as notice and seek further advice from the Department of Finance as to the intent here.

[Translation]

FUNDING FOR KATIMAVIK

Hon. Rose-Marie Losier-Cool: Honourable senators, my question also pertains to the budget.

The budget the government tabled last week eliminates several programs. Unfortunately, one of the programs that will disappear is Katimavik, a program that gives young people an opportunity to volunteer in community settings and to learn to be better citizens while helping Canada's less fortunate. This program has been the source of many success stories, which we have all heard. Katimavik has trained over 30,000 Canadians. It has changed their lives. It has changed the lives of those who were being helped by Katimavik's young volunteers, particularly "vulnerable and marginalized groups in [various] impact areas."

I will not go on a hunger strike, like our late colleague, Senator Jacques Hébert. However, I regret and deplore the abolition of this program.

Would Madam Leader of the Government in the Senate give us specific reasons, with supporting figures, why the government is abolishing the Katimavik program?

[English]

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, I will be happy to give the honourable senator some numbers. Since I was around when we had that incident many years ago, I have been one of those people in the government, I am proud to say, who has advocated for many years that we end the Katimavik program.

Since its creation by the Trudeau government over 30 years ago, taxpayers have put over \$375 million into the Katimavik program. Since 1977, Katimavik continues to receive 99 per cent of its funding from taxpayers. Why did they not raise money for themselves?

In fact, Katimavik has cost taxpayers \$28,000 for every young person the program supports. That is roughly the salary of an average Canadian for an entire year. Our government is committed to giving young people the opportunity they deserve, however, funding expensive programs does not do enough to help our country's youth. Furthermore, Katimavik represents a fraction of the money our government now invests in youth programming. The fraction is 5 per cent; this year the government has invested over \$300 million in young Canadians.

[Translation]

ORDERS OF THE DAY

BUSINESS OF THE SENATE

Hon. Gerald J. Comeau: Honourable senators, pursuant to rule 27(1), I would like to inform the Senate that when we proceed to Government Business, the Senate will address the items in the following order: Motion No. 34, third reading of Bill C-19, followed by other government business, as indicated on the Order Paper.

DISTINGUISHED VISITOR IN THE GALLERY

The Hon. the Acting Speaker: Honourable senators, before calling on the Leader of the Opposition, I would like to draw your attention to the presence in the gallery of our former colleague the Honourable Marcel Prud'homme. All your former colleagues welcome you, Senator Prud'homme!

Hon. Senators: Hear, hear!

CRIMINAL CODE FIREARMS ACT

BILL TO AMEND—ALLOTMENT OF TIME FOR DEBATE—MOTION ADOPTED

Hon. Gerald J. Comeau in the name of Honourable Senator Carignan, pursuant to notice of April 2, 2012, moved:

That, pursuant to rule 39, not more than a further six hours of debate be allocated for consideration at third reading stage of Bill C-19, An Act to amend the Criminal Code and the Firearms Act;

That when debate comes to an end or when the time provided for the debate has expired, the Speaker shall interrupt, if required, any proceedings then before the Senate and put forthwith and successively every question necessary to dispose of the third reading stage of the said Bill; and

That any recorded vote or votes on the said question shall be taken in accordance with rule 39(4).

The Hon. the Acting Speaker: Honourable senators, before proceeding with debate on this motion, allow me to remind you that under rule 40, the debate on this motion will last a maximum of two and a half hours. The leaders may speak for a maximum of 30 minutes and other senators for a maximum of ten minutes each. If a standing vote is requested at the end of the debate, the bells will ring for one hour and the vote cannot be deferred.

• (1500)

Hon. Claude Carignan (Deputy Leader of the Government): Honourable senators, I believe it is important to resume debate on Bill C-19 within a time limit. This would allow us to respect the will of Canadians, who were clear during the last election. They asked the government to follow through on election promises to abolish the firearms registry and ensure that the hundreds of millions of dollars that might be spent on paperwork be instead transferred to the victims, and spent on effective crime prevention tools and on enhancing services that will have a real impact on crime prevention.

I spoke with the Deputy Leader of the Opposition about setting a precise framework for the time allocation of this debate. Unfortunately, despite our good intentions, we were unable to come to an agreement.

I believe that it was important to set a time limit, a sufficient amount of time in which senators could debate and express their opinions, as they were able to do previously at second reading. There have been many debates on both sides of this issue, but we should be able to end this debate, once and for all, within the time allocated so that we can pass this bill, ensure that the will of Canadians is translated into a reasonable and effective bill, and move on to other bills that are just as important to Canadian society.

[English]

Hon. James S. Cowan (Leader of the Opposition): Honourable senators, here we go again. Our Speaker, the Honourable Senator Kinsella, when he was in opposition, compared the use of time allocation to bringing down a guillotine. Well, the Harper government brings it down so often that it will soon rival the record set in the French Revolution.

Why is this government so afraid of free and open debate? The former United States Supreme Court Justice William Brennan wrote in a famous decision: "Debate on public issues should be uninhibited, robust and wide open."

The philosophy of the Harper government is that there should be no debate, but that if debate does take place, then it certainly cannot be uninhibited, robust, and wide open. It should be strangled, enfeebled and slammed shut as quickly as possible. That is what they are doing here again today with this motion.

Time after time, bill after bill, this government brings down the guillotine on open and uninhibited debate. It has become a matter of form. A matter comes before the Senate. There is one speech and debate is adjourned, as is only respectful. Surely the

proponent of the bill would feel that his or her words merit reflection and thought. However, instead of reflection and thought, the Deputy Leader of the Government in the Senate rises and slams the door shut.

Honourable senators, Bill C-19 is a controversial bill. Canadians across the country feel passionately on both sides of the issue. There are strong arguments why this bill is wrong for the country. My colleagues opposite may disagree, but surely they agree that those arguments deserve to be heard and debated without having one eye on the clock.

Just a few weeks ago, the guillotine was brought down on debate on Bill C-10, the government's omnibus crime bill. Speaker after speaker on our side was cut off before they had finished, sometimes even in mid-sentence. Indeed, the last speaker on the motion, the Honourable Senator Robichaud, was cut off literally in mid-sentence.

This government is not interested in anything anyone has to say against its plans. Here in Parliament, the ultimate place where the people's voices are to be heard and conveyed to government, debate is choked off in mid-sentence. This government is not interested in listening. It buries reports when the conclusions go against the desired result.

An RCMP evaluation report on the long-gun registry concluded that the program is cost-effective, efficient and an important tool for law enforcement. The findings of the report were deep-sixed for many months. The RCMP Chief Superintendent who agreed with those conclusions and was set to present the report suddenly found himself replaced as the head of the Canadian Firearms Program, and he was sent off for French language training.

As I have said, the Harper government is not interested in listening to any opposing voices, even from the police. When he was in opposition, Stephen Harper famously said this:

When a government starts trying to cancel dissent or avoid dissent is, frankly, when it's rapidly losing its moral authority to govern.

Prime Minister Stephen Harper would do well to listen to his own words.

The irony of this situation is not lost. Earlier, this government brought in time allocation to force through a bill to be tough on crime and to make our streets and communities safer. Now it uses the same tactics to slam through a bill that will deregister not just hunting shotguns, but also what can only be described as tactical assault weapons. I looked up just one weapon. There were some photographs circulated around within the last few days. This one was the Steyr Mannlicher HS .50. It is capable of piercing body armour. A shipment of these rifles was exported — legally — by the Austrian manufacturer to Iran, and they found their way to Iraqi terrorists.

Honourable senators, do Canadian duck hunters really need sniper rifles that fire bullets that can pierce body armour? Do we really want these weapons circulating in Canada with no need for registration?

Senator Tardif: No.

Senator Cowan: How can this government say that it is tough on crime to send teenagers to jail for growing six marijuana plants in the garage, but that it is perfectly fine to have tactical, armour-piercing weapons hidden in one's basement?

However, we will not be allowed to properly debate these issues. My position, and that of my caucus, has been very clear. We do not support Bill C-19 and we plan to vote against it. However, there has never been any suggestion that we would unduly delay the bill, prolong debate unnecessarily or engage in a filibuster. Our responsibility — our job as parliamentarians — is to make sure that bills brought before us are given appropriate, serious study and that the voices of Canadians on all sides of the issues are heard in committee and then reflected in debate here in this chamber. That is what this government repeatedly refuses to allow us to do. It uses its majority, in this place and in the other place, to slam down the guillotine time after time after time.

Honourable senators, this is shameful. This is not doing the job that we were sent here to do. This is not what Canadian taxpayers are paying us to do.

• (1510)

Where is the urgency about all of this, honourable senators? I mentioned Bill C-10 a few moments ago. That bill was rammed through solely because of an artificial political deadline dreamed up in an election campaign. Prime Minister Harper announced that he would pass that bill within 100 days. Why 100 days? No reason, honourable senators; none was ever put forward here other than it was a campaign promise. It sounded nice — a nice round number. Here we are, weeks later, and not one section of Bill C-10 has been brought into force. The government promised that it would ram that bill through Parliament in 100 days to make our streets and communities safer, yet it has not brought into force one single clause in that bill. Where is the urgency and where is the honesty in that?

Honourable senators, this is all about show. It is about showing your political base that you have the capacity to pass laws, whether or not they are the right ones and whether or not the laws are then brought into force.

We are already seeing the consequences of the Harper government's refusal to listen to opposing voices. Today the Quebec government filed for an injunction against bringing this bill into force. So much for respectful federalism and, with this guillotine motion, so much for respect for Parliament.

Hon. Claudette Tardif (Deputy Leader of the Opposition): Honourable senators, I rise today to speak in opposition to the motion before the Senate to allocate a maximum of six hours of debate to the third reading of Bill C-19, the bill that seeks to eliminate the federal firearms registry and the data contained within the registry.

When they were in opposition, members of the government in this chamber decried the use of time allocation measures as bully tactics, calling time allocation a guillotine motion, as the Honourable Senator Cowan has stated. They called it the muzzling of

Parliament and the use of power to secure more power. Even under circumstances where legislation dealt with urgent, national security matters, honourable senators opposite urged the government of the day to let the Senate be allowed the time needed to do the work it has been mandated to do, that is, to provide sober second thought.

Honourable senators, not only have the members opposite conveniently changed their viewpoint on this procedural tactic, but it appears they have also done a drastic 180-degree turnaround. The motion before the Senate today concerns the third reading of Bill C-19, an act that would repeal a federal registry program. This is not an urgent matter. There is no meaningful matter hanging in the balance that will be affected one way or the other by the Senate taking longer than six hours to deliberate on the question. The government has provided no evidence demonstrating any urgency in the consideration of Bill C-19. Then again, honourable senators know very well that this government does not have a great deal of fondness for evidence.

On the subject of evidence, the bill that this motion concerns is a prime example of legislation that directly contradicts a long-established catalogue of evidence. The registry that this bill seeks to destroy provides valuable information to public safety officials regarding the use of long guns. RCMP data shows that long guns are the most common type of firearm used in spousal homicides. Over the past decade, 71 per cent of spousal homicides involved rifles and shotguns.

Last week I received a letter from a group of concerned women, constituents in Alberta, who urged the Senate to carefully consider this and other evidence. The following is an excerpt from their letter:

Alberta women are devastated that registration for long guns will be dismantled by the Government of Canada and that records of guns already registered will be destroyed.

Alberta women, children and police officers, in particular those in rural communities where gun ownership is high, are most at risk of firearm death and injury.

Honourable senators, the city of Calgary has more spousal abuse incidents than any other city in the country: 15,789 last year, an increase of 10 per cent. In rural communities, like Leduc, Alberta, calls to police for domestic disputes rose 25 per cent in 2010.

Front-line crisis workers, including rural women, shelter workers and emergency physicians, have testified that police depend on being able to consult the long-gun registry when responding to calls in order to remove all firearms from a potentially deadly situation.

Canada's largest shelter provider, the YWCA, stressed to the House of Commons Standing Committee on Public Safety and National Security that ending the long-gun registry is not in the best interests of women and children who live at risk of domestic violence. The role of legally owned firearms in domestic violence against women and children must be acknowledged.

[Senator Tardif]

Honourable senators, it bears mentioning that there has been no gender impact study on this bill. Despite requests from a number of violence against women service providers, the Standing Senate Committee on Legal and Constitutional Affairs did not include a single one amongst 30 witnesses invited to appear in the study of this bill. It is clear to me that a serious and thorough deliberation of this bill is required before the question is put. Senators must have the opportunity to review the extensive evidence accumulated by the Legal and Constitutional Affairs Committee.

This is a matter of public safety. The evidence that I have seen so far in my examination of the testimony suggests that lives are potentially at stake. As such, I suggest to honourable senators that if there ever were a time when a bill merited sober, serious second thought, this is the time.

[Translation]

Honourable senators, the Fathers of Confederation established this chamber to provide sober second thought on all bills. As such, it is our duty to carefully and thoroughly examine Bill C-19.

Given the time allocation motion, the Senate will obviously not have time to debate this bill in this chamber, particularly since Bill C-19 continues to generate such great controversy among members of the general public.

As my honourable colleague, Senator Cowan, has said, a disturbing pattern has emerged since this government received its coveted majority. We have seen repeated instances, both here and in the other place, of the government using procedural tactics to suppress debate on their legislation. With this latest motion, the government will have used closure or time allocation on eight separate pieces of legislation. It has been less than a month since a gag order was last imposed by the government.

[English]

Time allocation is a tool afforded to the government that is to be reserved for cases where the utmost urgency is required, not to railroad those who do not agree with them. It may be necessary when obstruction occurs, when there is a deliberate effort to delay unnecessarily or halt the progress of an item of government business.

I entreat the members of the government opposite to show any evidence of such intent on my part or that of our caucus. There is no obstruction on our part. We have not been dragging out the consideration of Bill C-19. We have not been unnecessarily uncooperative. The members of the Standing Senate Committee on Legal and Constitutional Affairs were, in fact, exceedingly cooperative in expediting the consideration of this legislation.

• (1520)

In the Senate Chamber, debate at third reading of this bill began just yesterday — not even one day, honourable senators. There are senators on this side who want to speak at third reading

but they cannot do so because they are away on official business. What is the urgency, honourable senators? Is there a rational reason? No, there is only the arbitrary deadline imposed by the government for some unknown purpose.

I implore honourable senators to reflect on the ramifications of passing yet another time allocation motion in this place. Rules 39 and 40, which address time allocation, were brought in by the parliamentarians who came before us for use in exceptional circumstances when a special urgency needed to take precedence over the rights and responsibilities of Parliament. Today is not one of those cases, honourable senators. In fact, none of the eight times that these rules have been invoked in the Forty-first Parliament would pass that litmus test.

I strongly believe that if this chamber allows the use of time allocation provisions to become the rule rather than the exception — using power to secure more power, as one honourable senator opposite stated at one point — we are turning our backs on the mandate given to this chamber. This institution that we serve is worthy of greater respect than it currently is being given. I ask honourable senators not to support the government's motion for time allocation on Bill C-19.

Hon. Joan Fraser: What on earth is the rush? What is the rush?

[Translation]

I listened very carefully to the Deputy Leader of the Government, who was explaining why he moved this motion, because I have a great deal of respect for the Deputy Leader of the Government.

However, the only real argument he made was not very convincing, in my opinion. He said that a majority of Canadians voted for the government's agenda. We all know that that is not exactly true: less than 40 per cent of Canadians voted for the Conservative Party, which means that a little over 60 per cent voted for other parties.

[English]

Furthermore, the bill before honourable senators is, in some important details, not the same as the various versions of this bill that have been advanced in recent years. Therefore, it is not as if we were simply being asked to go over very well-trodden ground.

This is not a minor piece of proposed legislation. The Order Paper contains bills on sports betting, on prize fighting, on increasing public awareness about epilepsy, et cetera. All of those are important subjects, but this bill is of another order of importance. This bill has to do literally with life and death and with the instruments of death; yet we are being asked to rush it through.

The Standing Senate Committee on Legal and Constitutional Affairs found itself obliged to gallop through its consideration of this bill in a grand total of four sittings. I pay tribute to the Chair of the Legal Committee, Senator Wallace, because within those constraints he worked very hard to ensure that there would be a fair representation of witnesses who would be able to explain

many of the different points of view about this bill. I, as Deputy Chair of the Legal Committee, greatly appreciated his work. All members of the committee sat for extended hours during those four sessions.

However, believe me, four sessions is not enough to understand the complexities of this bill. The more we heard, the more we realized how great some of those complexities are. This bill has something that many of us perhaps had not realized, for example, very serious implications for our international relations and for our obligations under international instruments. We did not really have a chance to go into that.

We did not have a chance to hear from many witnesses who had expert knowledge that the committee could have benefited from but who were not available within such a short time frame. Those people ranged from the Privacy Commissioner to the Canadian Police Association to women's shelters — a wide array of people who have serious knowledge and experience from which the committee could have benefited.

We could have compensated to some extent for those gaps in the committee's work had we been allowed to have a rather more detailed third reading debate than we will have. Instead, it was rush, rush, rush. As the Honourable Deputy Leader of the Opposition commented, we have had only one speech on this bill, yesterday, less than 24 hours ago, and immediately the guillotine has been brought down. This will not be the Senate's finest hour.

Yesterday, I heard some members on the government side cheering about this bill. All I could think of was a comment by one woman in Quebec when celebrations were held in the other place after it voted in favour of this bill. She said:

[Translation]

They are dancing on the graves of the victims.

[English]

We are not just dancing on the graves of the victims, we are rushing to do it; and I do not feel very good about it.

Hon. Grant Mitchell: Honourable senators, I would like to say a few things about this issue. There is a great irony in this moment and in this initiative to create closure, particularly on an issue like gun control. The government is very, very capable in its ability to spin and to communicate politically. Consistently and not without some merit, often, it appeals to some higher ideal to defend its position.

At its most prominent moments in this debate about gun control, it is an appeal to the question of rights whereby individuals have a right to these guns and a right not to be treated like criminals if they are not undertaking criminal activities. That is an important, powerful and meaningful argument. Many of us would argue that this right is, in many respects, a privilege, not so much a clear right in that it needs to be modified, adapted and accommodated within the broader social issues. However, it is a legitimate argument, and this government states prominently and persistently that the real reason underlining the need to do away with gun control is a question of fundamental rights and liberties.

In one of the great ironies of our democratic and parliamentary process — our parliamentary debate — the government is invoking one of the least democratic elements of that process by creating closure, which actually offends rights deeply, in order to establish its policy and to pass it. It is all the more confounding why the government does that, given that there is no rush. As the Honourable Senator Fraser said, “What is the rush?” What is another day or two, or two or three weeks, for that matter?

Honourable senators, this bill is all but in effect. Nobody is getting arrested under the old bill. Nobody is being required to register under the old provisions. This bill is in place. We might say that the old bill — that parrot, as it were — is, in fact, dead.

• (1530)

The fact is that there is no real reason to do this and, in my estimation, it amounts to little more than gratuitous violence. Why bother? Why, when one has argued so vehemently for the protection of rights on gun control, would one assault profoundly important democratic rights of freedom of speech in this place, of all places, and in the other place, of all places, when there is really no need to do that?

There are those who are cynical about politics, and they will often cite as an example Question Period and the rancour on the other side, or they will cite the fact that politicians often make no sense when they speak or that people are not listening to them in the legislative chambers. What is really important is the symbolism of being free to speak in chambers like this across the country, regardless of what one says, how much others may disagree with it, or how silly it may seem. Every instance of freedom of speech in this great democracy is important. This democracy does not deserve this affront to democratic rights, certainly not in circumstances where there is no need to rush and no demand of public policy to do it quickly. It is a great irony that the government would argue for rights and then, in order to “protect” those rights, would gratuitously offend other rights, especially the important right of freedom of speech.

This is about much more than just the right to arm or not to arm oneself; this is a question of democratic rights. There are many elements to that, and I will list a few of them and indicate how this behaviour by the government fits into a much broader and deeper trend, one that many Canadians are increasingly finding disconcerting. It says something profound about what this government truly is. We have yet to know why this government needs to be like this. It has a majority; it does not have to push people around; it does not have to bully. It can give a few weeks, a few days, a few extra hours of debate on something that reflects, as importantly as this does, the question of democratic rights.

There is the element of accountability, a pillar of the democratic process. How many ways have we seen that offended? In the 10 minutes that I have, I cannot list them all. However, I will begin.

For example, omnibus bills are becoming a standard procedure of this government. There may be infrequent times when omnibus bill are necessary, but the government is using this tool to drive legislation through because it does not want to have to confront

disagreement. It does it sometimes to show that some opposition members who voted against a bill on one initiative ended up voting the opposite way on it because the initiative was inappropriately lumped into an omnibus bill.

What about Question Period? Honourable senators, we have all observed politics for a very long time. I am not saying that Question Period in the other place is ever easy and I am not saying that it is wrong. It is important to have intense debate and Question Period serves a very important role in our parliamentary process. However, it is absolutely unprecedented that minister after minister fails to even make an effort to address a question directed at them, let alone to answer it. That is an affront to the parliamentary process and it contributes to the erosion of the quality and strength of the democratic process as captured and embodied in the parliamentary process.

I have said before and I will say again that there are those in this Senate, and certainly in the government, who at times find the democratic process and the parliamentary process to be inconvenient, to be a burden, to be a waste of time. The fact is that the parliamentary form of government is the most successful form of government on the face of the earth today. It has lasted longer by far than any other form of government in the world. It has lasted upwards of 900 years in different configurations and evolutions, and it has lasted because it works. It is bigger than each and every one of us. It serves issues and interests that are bigger than each and every one of us. It defends rights and freedoms that are bigger than each and every one of us.

The government and many of us say over and over again that we are so proud of our women and men in uniform who are defending democratic rights all over the world, and this place reflects that. That is what our men and women are fighting for; that is what they are defending. That is what many of them are dying for, and here in this place today and in the other place far too frequently this government gratuitously does away with critical democratic values and rights just because it seems to be inconvenient or gratuitous, or they are tired of hearing disagreement on what they want to do.

There is also the question of accountability. If someone disagrees with the government, such as the Parliamentary Budget Officer, the government attacks that person and extraneous variables surrounding that person and that person's work. Why do they not just stand up and debate the principles, the assumptions, the findings and the research? It is because they do not really want to be held accountable and they do not understand that the essence of proper and refined debate is a democratic responsibility and right.

Transparency is critical, but this also has been eroded by this government. We certainly have no transparency in Question Period; we hardly ever get an answer. Look at what has happened to the way that access to information requests are answered and redacted. One can hardly get anything out of this government. They have snuffed it out, shut it down; a government that campaigned on being more democratic and on democratic renewal.

Senator Mockler knows what I am talking about because he came from a province that did a lot of that very well under Premier McKenna. They had to fight that problem.

Some Hon. Senators: Oh, oh!

Senator Mitchell: As our former colleague the Honourable Nick Taylor used to say, "You throw them a bit of red meat and they start rattling the cage."

This government has a troubled, difficult and distant relationship with information.

The Hon. the Acting Speaker: The honourable senators' time has expired.

Senator Mitchell: May I have five more minutes?

The Hon. the Acting Speaker: Is there unanimous consent to give Senator Mitchell more time?

Some Hon. Senators: No.

The Hon. the Acting Speaker: Senator Mitchell, I regret to inform you that there is not unanimous consent.

Hon. Lillian Eva Dyck: Honourable senators, I have been listening carefully to what the other senators have said on this motion to limit debate. It always disturbs me when debate is limited because, as a person who lived on the margins of society for a long time, I have always felt it is very important to bring to bear all voices concerned about an issue. As Senator Fraser said, there does not seem to be a real reason to rush this bill through our chamber. It is not good to limit the number of people we hear at committee. There are many people who are not in favour of this bill and, if we do not hear all the reasons they are not in favour of it, then how can senators make the best possible decision?

Not all of us are members of the committee that heard witnesses on this matter. There are many sides to this issue. If we cannot hear them, then the committee cannot make a proper decision. As someone who is not a member of the committee, how can I know all the ins and outs of the debate? It is a complex issue. We are putting limits upon ourselves, putting limits upon what we hear, and so limiting ourselves, our responsibilities as senators. Therefore, I think it is a terrible thing that we should ever limit the amount of debate that goes on in the chamber.

• (1540)

Some Hon. Senators: Hear, hear.

[Translation]

Hon. Fernand Robichaud: Honourable senators, the last time I addressed the chamber, I spoke for about a minute and a half and that was during the debate on the closure motion concerning the Canadian Wheat Board. That was not so long ago, and history is repeating itself. I am somewhat hesitant to take any more of your time, honourable senators, since the arguments have all been made, but it is as though it were written in the stars. The senators opposite have not spoken on this motion, but they all seem to be in agreement. So, is there any point in trying to convince them?

This worries me. I think we could have taken some time to reflect on the changes that this bill will bring about. What also worries me is the fact that some very powerful weapons, ones that are currently restricted, will be available on the market.

I do not know very much about weapons. I have a .22, a .308 and, as we say at home, a number 12. These are semi-automatic weapons, which means that every time you pull the trigger, the bullets fire very quickly and it does not take long to empty the weapon. They are hunting tools.

I have a note from the Honourable Senator Fraser indicating that very powerful weapons will be available on the market overnight; for instance, I see one here: a Steyr-Mannlicher HS5.50 M1 — which can pierce light body armour from a kilometre and a half away and is a very powerful and rapid-fire weapon.

It does not say how many rounds this weapon can hold but, from what I can see, it is a semi-automatic weapon. That means, honourable senators, that every time you pull the trigger, the bullets are fired quickly. Hunters and people who have served in the Canadian Forces and the police are familiar with semi-automatic weapons. It is not the only weapon, honourable senators, as I can see a number of others. Just looking at them is intimidating.

In the past, people have committed serious crimes with weapons less powerful than these. Just imagine what a deranged person could do with one of these weapons.

I would like someone to tell me why these weapons should be on the market? Why? Imagine a hunter who comes across a small herd of deer. With this type of gun, he will kill all the deer in short order. It would be a massacre.

These guns cannot be used for hunting. That means that, if we give quick passage to this bill, as they would like us to, we will immediately be allowing some people to go out and purchase these powerful weapons. Has there been any thought given, perhaps, to allowing amendments that would ensure that these weapons remain restricted or prohibited? If we had more time, we could have agreed that these weapons should remain restricted and that the general public should be prohibited from purchasing them.

I would simply have liked to have taken the time to study the bill and identify the best solution. I understand that the government wants to eliminate the long-gun registry. Many people opposed the registry when it was established. A great many people voiced their opinions, including those who spoke out publicly and said that they did not want the registry. Others, the silent majority, those we heard from indirectly, told us that the registry was a good thing and that it should be kept.

If the government wanted to abolish the registry then it should have taken into account the doors it was opening for access to these firearms. I would also like to mention the fact that the Province of Quebec would like to retain the information that was collected when people had to register their firearms. However, we are told that the federal government is going to destroy the data as soon as possible despite the fact that one province would like to have the data for its own use.

This disturbs me quite a lot. I deplore the fact that the government is imposing the guillotine motion in order to dispose of this bill quickly.

Hon. Jean-Claude Rivest: Honourable senators, I will be brief. I listened with interest to the honourable senators' arguments concerning the way in which the government is handling this matter.

We know that one of this government's ambitions is to enhance public safety. That theme has been greatly emphasized by the Conservative Party and it is clear that a majority of Canadians share the same objectives. However, by proceeding so quickly — of course there was Bill C-10 — and by limiting the government's attention to the firearms registry — it has become a political symbol — I wonder if we are in the process of creating the illusion of successfully fighting crime. Nonetheless, I am in favour of reviewing the nature of this registry.

I believe it is important to indicate — at least when it comes to Quebec — that the vast majority of the people in Quebec disagree with what the current government is doing with the registry. This being a safety issue, I would have wanted parliamentarians from the House of Commons and especially from the Senate to be able to raise questions about the place of firearms in our society, because that is where the problem lies.

Senator Robichaud just described certain weapons, their nature and the possible consequences of their use, but the real problem in Canadian society with regard to the use of firearms cannot be boiled down to having a firearms registry, regardless of any merits of such a registry.

• (1550)

The problem is the presence of firearms. It seems to me that a responsible government should have taken the time to ask the following questions, particularly of the parliamentary institutions: what place do we give the use of firearms in Canada? What control can the Canadian government have over the circulation, importation and possession of firearms? This issue must be reviewed in its entirety. It is an important issue, on that I agree with the government.

It does not make any sense for the government to proceed in this manner or to lead the people to believe, either consciously and unconsciously — no doubt unconsciously — that they will be safer if the firearms registry is abolished, because this is just one small aspect of a much larger problem.

In Quebec, Canada and the United States, again this week — and Senator Robichaud alluded to this — the use of firearms by people who are impaired by drugs or mental illness is a major problem. They are the ones who will be able to access and own firearms, without any controls in place.

It seems to me that this is a fundamental problem that the government should have addressed rather than limiting its action strictly to the issue of firearms. Since we have the time, the

government could have turned over the issue of the use and presence of firearms in Canadian society, including the registry of course, to the Senate for debate and discussion for a specified period of time.

I believe that the government is missing the point on this issue and risks misleading members of the public by telling them that it has ensured their safety.

As many senators have indicated, and as this point has been raised by the public, abolishing the firearms registry will allow for increased circulation and use of firearms and will not, in my opinion, meet the objective that the government claims to be striving for, that of protecting public safety.

[English]

Hon. Jane Cordy: I would also like to speak about something that is becoming very common, and that is the limiting of debate in the Senate. Limiting debate and use of time allocation are becoming more the rule rather than the exception in this chamber. I know there are times when governments use time allocation — when time is of the essence. Time is not of the essence in this situation.

We have a responsibility as senators; we are supposed to be the chamber of sober second thought. We are supposed to represent our regions. We are supposed to represent Canadians. We have a responsibility to listen to Canadians.

Conservatives have the majority in the Senate. They are now the unelected, unaccountable Conservative majority, but it should not mean that they stifle debate.

This is Canada, a democracy. Canadians value our freedom. We value what the courageous men and women of our military fought for throughout the history of our country. Why the rush? Is it really worth stifling debate and democracy?

My understanding is that some excellent amendments were raised at the committee level. They were voted down by the Conservative majority. This is not a committee on which I serve and, as Senator Dyck said earlier today, I would like to hear why honourable senators voted against the amendments. I would like to know why the data collected over the years will be destroyed.

I regret that the government is using the guillotine. I believe it is wrong to use time allocation on this bill, which evokes strong reactions both for and against it. Why should we not have a debate in this chamber? Why is the government afraid of discussion and debate? Why are we yet once again not acting as the chamber of sober second thought?

I received an email earlier today. It says:

I have long held a view that the Senate performs a much needed role as Parliament's house of "sober second thought." I held this view because of the many times you have set aside "party politics" and proposed amendments to bills that were poorly drafted or had unintended consequences.

That is why I am writing to you after watching the March 29th meeting of Standing Committee on Legal and Constitutional Affairs on Bill C-19.

There is no doubt in my mind that C-19 will pass and the registration of long guns will be eliminated. However, many witnesses, including Calgary Police Chief Rick Hanson, **who supports the abolishment of the registry**, testified there were flaws in the bill regarding record keeping at the point of sale and the validation of “licenses” in private sales.

Chief Hanson noted that when guns are sold privately the wording under C-19 was very weak! He felt the “buyer must possess a license” and the seller **MUST** check the validity of the license with the Firearms Centre Registrar.

Chief Hanson also observed that prior to Bill C-68 in 1995 all gun shops were required to keep a record of all guns sold and to whom. (Note: this requirement had been replaced by “registration” through the Firearms Center when C-68 was passed.) Chief Hanson suggested that C-19 be changed so that “point of sales recording is reinstated”!

So when it comes time to vote on the bill clause by clause I was shocked that Conservative members of the committee voted to defeat amendments that were proposed to correct deficiencies in the bill as noted by Chief Hanson and numerous other witnesses.

The letter goes on to say:

I find it very sad that the Senate has now become so partisan, as a result of recent appointments, that it is abrogating the long held responsibility to objectively study bills and propose amendments if needed.

I always hoped Bill C-19 would never be passed as I strongly feel it will severely weaken our firearm laws! But to further weaken our laws by passing an obviously flawed bill is something that can be avoided if the will to admit changes are needed is there.

Therefore I hope you will demand the obvious deficiencies in the bill be addressed by adopting similar amendments as were submitted at the committee.

This letter was actually addressed to all honourable senators. I really believe that we have to take note of what it is saying.

We do not pass legislation that we know is flawed. This is the place — the chamber of sober second thought, the Senate — where we can make amendments. I will be voting against the bill, but these are people who are in favour of doing away with the gun registry; these are people who are saying this bill is flawed.

This bill needs amendments. That is our role. Our role is to ensure that legislation passed by the Senate is as good as it should be. We should be responsible.

Yet, as the Leader of the Opposition, Senator Cowan, has said, here we are using the guillotine, saying, “No changes. No discussion. Just close your eyes and rubber stamp the bill.”

That is wrong.

[Translation]

Hon. Maria Chaput: Honourables senators, I must tell you, limiting the debate worries me a great deal. Why? Because certain questions have not yet been thoroughly discussed, and certain issues included in the bill are not sufficiently understood. I will explain.

I do not have a problem with eliminating the firearms registry. I live in a rural area of Manitoba, among and with hunters who did not like the firearms registry. Naturally, when I returned home last week, everyone was asking me if the firearms registry would be eliminated. I replied that that is not the issue; the issue rather, is that Bill C-19 removes the obligation to confirm the legitimacy of the permit. Thus, someone who wants to buy a rifle can go to the person selling it, with a permit in hand, and the seller does not have to verify the legitimacy of the permit.

• (1600)

Honourable senators, the people who opposed the firearms registry said to me, “Why are you doing this? Removing the obligation to verify the legitimacy of the permit is unnecessary. On the contrary, that should be maintained. It is a good control method and it ensures safety.” That is what I wanted to share with you, honourable senators.

I do not feel that the issue has been examined sufficiently or that it is properly understood. It needs to be examined more thoroughly.

[English]

The Hon. the Acting Speaker: Continuing debate? Are honourable senators ready for the question?

Hon. Senators: Question!

[Translation]

The Hon. the Acting Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Some Hon. Senators: Yes.

Some Hon. Senators: No.

The Hon. the Acting Speaker: Will those honourable senators in favour of the motion please say “yea”?

Some Hon. Senators: Yea.

[English]

The Hon. the Acting Speaker: All those opposed to the motion will signify by saying “nay.”

Some Hon. Senators: Nay.

The Hon. the Acting Speaker: In my opinion, the “nays” have it.

And two honourable senators having risen:

[Translation]

The Hon. the Acting Speaker: Under the Rules of the Senate, I must allow 60 minutes for the bell, unless I hear a suggestion to the contrary.

Please call in the senators.

[English]

The vote will take place at exactly five o'clock. I seek permission to leave the chair while the bells are ringing.

Some Hon. Senators: Agreed.

• (1700)

Motion agreed to on the following division:

YEAS THE HONOURABLE SENATORS

Angus	Manning
Boisvenu	Marshall
Braley	Meredith
Brazeau	Mockler
Brown	Ogilvie
Buth	Patterson
Carignan	Plett
Cochrane	Raine
Comeau	Rivard
Dagenais	Runciman
Demers	Segal
Di Nino	Seidman
Doyle	Seth
Duffy	Smith (<i>Saurel</i>)
Eaton	St. Germain
Fortin-Duplessis	Stewart Olsen
Frum	Stratton
Greene	Tkachuk
Housakos	Unger
Lang	Verner
LeBreton	Wallace
MacDonald	Wallin
Maltais	White—46

NAYS THE HONOURABLE SENATORS

Baker	Mahovlich
Callbeck	Massicotte
Chaput	McCoy
Cools	Mitchell
Cordy	Moore
Cowan	Munson
Day	Peterson
Downe	Poulin
Dyck	Poy
Eggleton	Ringuette

Fairbairn
Fraser
Harb
Hervieux-Payette
Hubley
Losier-Cool

Rivest
Robichaud
Sibbeston
Smith (*Cobourg*)
Tardif
Watt
Zimmer—33

ABSTENTIONS THE HONOURABLE SENATORS

Nil.

• (1710)

[Translation]

THIRD READING—VOTE DEFERRED

On the Order:

Resuming debate on the motion of the Honourable Senator Lang, seconded by the Honourable Senator Tkachuk, for the third reading of Bill C-19, An Act to amend the Criminal Code and the Firearms Act.

Hon. Céline Hervieux-Payette: Honourable senators, it is with sadness that I rise today after the study of this bill in committee. I would simply like to reassure the Canadian people who attended the committee hearings and tell them that there were some people who heard them, who listened to them and who gleaned from their testimony that they were people of good faith who were not acting out of self-interest, but who had the best interests of Canadians at heart.

As a senator from the Bedford region in Quebec, I would first like to say that I completely agree with the Government of Quebec, which voiced its opinion through its minister, who appeared in the other place and, through a motion passed unanimously by the National Assembly, requested that Parliament keep a universal firearms registry system.

Quebec government officials believe that a long-gun registry is useful and essential for crime prevention, policing and the administration of justice.

Contrary to certain claims, non-restricted firearms are used more often than we think to commit offences against the person. The minister told us that, between 2003 and 2009, this type of weapon was used in more than 2,000 violent offences in Quebec.

In 2009 alone, of the 1,476 offences against the person believed to have been committed with a firearm in Quebec, 274 were committed with a non-restricted firearm. Clearly, the long-gun registry made it possible to collect these data, to know where the weapons came from and who committed these offences.

Quebec is concerned about the abolition of the firearms registry because of the programs it has put in place to deal with spousal abuse and with the effect of health issues on suicide.

Between 2007 and 2009, there were 169 incidents of spousal assault involving a non-restricted firearm, while 122 involved handguns. Honourable senators will note that more offences were committed with non-restricted firearms. Statistics in Quebec also reveal that, of the suicides committed using a firearm, nine out of ten involved a non-restricted firearm.

Moreover, coroners in Quebec have strongly recommended that the firearms registry be maintained based on these suicides committed using non-restricted firearms in Quebec.

There is also the issue of prohibition orders. Under the Criminal Code, orders prohibiting the possession of firearms may be imposed when a person is convicted of a violent offence or, for preventive purposes, when the person's mental state poses a risk to that person or to others. The registry is also used for enforcing prohibition orders.

From 2007 to 2010, no less than 1,042 prohibition orders were issued against the owners of non-restricted firearms in Quebec. In the event that the long-gun registry were abolished, the police would have to carry out more in-depth investigations in order to determine whether persons subject to an order own a non-restricted firearm, which would involve additional costs for law enforcement agencies, reduce the number of interventions and increase the subsequent risk.

It should also be noted that in 2010 alone, 2,561 non-restricted firearms were removed as the result of an order so as to protect the firearm owner and others. Needless to say, this number alone makes us realize that the registry plays an extremely important role.

As far as the issue of mental health is concerned, universal registration enables firearms officers to verify whether firearms are possessed by persons under an application for an order to confine them to an institution, or for a psychiatric assessment. We all recall crimes committed in various places in Quebec. For those that were prevented — because there have been people who had firearms and were threatening others — the firearm was removed, which likely prevented a human tragedy.

Between January 1, 2008, and March 31, 2010, 13,383 applications for orders were reported to him, and consultation of the registry made it possible to conduct 1,193 interventions to ensure the safety of persons. We are talking about human beings, who are susceptible to depression, a mental illness that is not linked specifically to a chemical imbalance, but rather an illness that comes with stress. Everyone here today is susceptible to depression. The final point one reaches with depression, when one no longer has the will to live, is of course suicide.

I think we all recognize the importance of the traceability of firearms, which has been recognized in international law by two treaties initiated by the United Nations and the Organization of American States. Both treaties have been signed by Canada, but strangely, Canada has never ratified them, which is worrisome to say the least. The purpose of these treaties is to prevent, combat and eradicate the illicit manufacturing of, and trafficking in, firearms, particularly through marking, which facilitates the traceability and identification of each firearm.

I would remind honourable senators that the witnesses told us that, at present, very few registries could really give us any indication of how many weapons — whether legal or illegal — are entering Canada. There may be places in Quebec in particular where they could certainly enter without too much trouble, but we do not have a system to control their entry into Canada at all entry points, such as ports, airports or border crossings.

We know that there are international conventions in this regard and that Canada will be excluded from their application. This bill therefore constitutes a major step backward, particularly with regard to the obligation for merchants to keep a registry of their firearm inventory and information about firearm sales transactions, including information on the purchaser. The national registry aside, this is fundamental, necessary data. Let us be very clear: no longer will it be possible to identify anyone as owning a firearm at the point of sale.

The obligation for the seller to check whether the purchaser has a firearms acquisition licence involves just one little question. Sellers will no longer need to check the purchaser's licence, whether the licence is valid or whether the licence belongs to the person attempting to purchase the firearm. In addition, weapons will no longer be traceable to either the purchaser or the seller, even though we know that there are several million legal firearms in Canada.

Quebec reaffirmed the need to maintain the firearms registry or, failing that, to amend Bill C-19 by withdrawing the provisions regarding data destruction and allowing Quebec to obtain the data on non-restricted firearm registration certificates involving its residents, since Quebecers' tax dollars helped pay for the system in the first place. We know that, today, the Government of Quebec applied for an injunction to protect the data.

The only question I am asking myself is whether or not the government has already destroyed the data. It seems that not only are the Conservatives anxious to amend the bill, but they also often move even faster than the process to pass a bill.

The Government of Quebec respects Quebecers. We would like the Government of Canada to do the same.

• (1720)

I would like to come back to the issue of suicide, because we heard from some excellent witnesses on this topic. These professionals spoke about why abolishing the long-gun registry will have a significant impact on suicide prevention.

One of the witnesses, the Association québécoise de prévention du suicide, told the committee that it was important to maintain all existing measures to control firearms, such as the requirement for all owners of non-restricted firearms to register every gun they own, and the requirement for a merchant to check that any potential buyer has a valid acquisition licence for the purchase or transfer of a non-restricted firearm.

In light of this, we should note that, in the event that a merchant sells a firearm and wishes to retain the buyer's information for professional purposes, today, that buyer can resell the firearm to his aunt, his grandmother, a friend or anyone

else, and there will be no record of the sale anywhere in Canada. The principle of Bill C-19 presumes that everyone has a valid permit. However, no one, neither the next buyer nor the original vendor — the merchant — is required to check the permit.

After reviewing the statistics in order to determine the relationship between suicide and the availability of firearms, international organizations argued that there is a direct relationship between murder, suicide, the proliferation of firearms and the lack of control over them.

A Swiss company conducted a study in 2006 which revealed that between 24 per cent and 28 per cent of suicides in Switzerland were committed with firearms, a sad second place, far behind the United States, where that rate is 57 per cent.

This means that the more guns circulating, the easier it is to obtain one, the more difficult it is to know if someone suffering from mental health issues has one, and the higher the suicide rate.

We wonder whether protecting individuals would require us to have a mental health policy that would take into account the fact that a person suffering from deep depression could use a firearm to commit suicide. In fact, according to the study, it is the most effective means:

The use of shotguns or handguns is the most effective means of taking one's life. Committing suicide with a firearm has a 90 per cent success rate.

This study is found at http://www.swissinfo.ch/fre/dossiers/la_suisse_des_records/records_d_europe/Suicides_par_balle_le_record_dont_personne_n_est_fier.html?cid=8476506

In other words, the chances of using a firearm and surviving are rather slim.

When we think of the possibility of unrestricted, widespread distribution of firearms, we have to remember that when someone buys a gun and requires a valid and duly verified licence to do so, this enhances the accountability of the gun purchaser. This might be the first safety barrier in preventing an emotionally distressed person from going to a gunsmith to procure a firearm. This barrier could save that person's life.

I do not think there is a single witness who appeared before our committee who did not establish a cause and effect relationship between destroying the firearms registry, maintaining only minimal control over licences and the lethal consequences this will have for a portion of the Canadian public. To me, the loss of one life justifies keeping the registry.

A group of doctors also appeared before our committee. I am not sure if we have the same set-up in every province, but the doctors were all directors of public health in Quebec and they all signed the brief they submitted to us. Their mandate is to protect the health of the public — in this case, we are talking about mental health.

According to them, between 1998 and 2004, there was a decrease across Canada of approximately 250 suicides and 50 homicides each year on average, or nearly one death per day. We are talking here about public policy, not individuals; we are talking about a comprehensive policy for the rest of the population.

Some witnesses contradicted a few of the studies the doctors cited. Things nearly got out of control. I mention this because I have never seen this at any other committee: witnesses who start insulting other witnesses. The doctors' representatives were attacked by members of the Prime Minister's advisory committee. I must say that this was a first for me and it was not pretty.

I want to come back to our responsibility with regard to the United Nations. Canada adopted the UN Firearms Protocol on May 31, 2001, at the UN General Assembly. The protocol came into force on July 3, 2005. A sufficient number of countries had ratified the protocol by then.

More recently, in 2002, the European Community signed this protocol. In 2010, a legislative measure was implemented for every country in the European Community. Honourable senators, this protocol defines the confiscation, seizure and deactivation of firearms; requires states to adopt legislative measures to criminalize certain activities; and calls for cooperation and the regular exchange of information between states. I believe that such a protocol requires a system that would allow these measures to be implemented. If Bill C-19 passes, Canada will not be able to comply with its obligations under this international protocol.

It is also important to note that a similar protocol was signed by Canada with the Organization of American States, the OAS, but clearly not ratified by the current government.

There is an organization called the United Nations Office on Drugs and Crime, which has conducted studies on homicide. It found that 42 per cent of homicides are committed with firearms; however, there are regional disparities since this rate is 74 per cent in the Americas and 21 per cent in Europe. These numbers, which of course represent human lives, tend to decrease in places where there is a rigorous legislative framework and a means of controlling the circulation of firearms.

This United Nations organization tells us that globally — not just in Canada — 80 per cent of homicide perpetrators are men. Whereas previously I was looking at this issue from the perspective of female victims, domestic violence and the possible effects of firearms in those circumstances, I now realize that the main victims of homicides involving firearms — and we are talking here about legal and controlled firearms — are men. On the other hand, in 2008, almost 80 per cent of all people killed by a current or former partner were women. So, there is still a link between the parties involved.

During our committee hearings, we also discussed, and have been discussing for several years now, the issue of whether it is a right or a privilege to possess a firearm. There was a case before the Supreme Court, that of Philip Neil Wiles, who committed a crime or offence that involved the possession of drugs.

• (1730)

The lower court ruled in Mr. Wiles' favour, indicating that he had been a victim of discrimination, but in the end, here is what the Appeal Court and the Supreme Court had to say:

The state interest in reducing the misuse of weapons is valid and important. The sentencing judge gave insufficient weight to the fact that possession and use of firearms is not a right or freedom guaranteed under the Charter, but a privilege.

We therefore have a precedent before the Supreme Court to support the argument that having a firearm is a responsibility as well as a privilege, and one that can be restricted through legislative measures.

I believe the court ruled that Mr. Wiles was not a victim of a cruel and unjustified measure and that, in this case, he had violated the Criminal Code. He had a criminal record, but this ruling confirms that, for all citizens, owning and using a firearm is not a right, but rather a privilege.

As for the Canadian Bar Association, it has spoken out on several occasions and is encouraging us to keep the firearms registry. The CBA favours responsible and limited gun ownership, viewing gun ownership as a privilege, rather than a right. It has confirmed that the Supreme Court was right to say it is a privilege.

The CBA also endorses an efficient, low-cost system to register all firearms. Requiring registration will improve public safety and make firearms owners appropriately accountable.

Knowing the professionalism of the Canadian Bar Association and the wisdom of its policy statements, I am sure you will agree, honourable senators, that our legal colleagues weighed this question carefully and could have come out in favour of liberalization, if that were in the public's interest.

Our colleagues also indicated that the registry is an effective way of improving officer safety — although, yes, it is definitely not the only way. The registry also serves as an important tool in criminal investigations.

Can you imagine the time, effort and money needed to hunt for the perpetrator of a crime committed with a firearm when the identity of the seller or the purchaser of the firearm is not known? The search for the guilty party will be long and arduous. I find it rather odd that a government that wants to protect its citizens is heading in this direction.

In addition, the Bar Association spoke about improving public health and safety. The CBA spoke to the issue of mental health and family violence:

People can be negatively affected by a number of factors, including job loss, divorce or other forms of socio-economic or psychological stress, which may increase the risk of firearms misuse, if there is a weapon available.

We need not panic. We must simply look after those honest citizens who, at a given point, find themselves in a difficult situation.

They said that we must not ignore the victims of gun violence, including those who die as a result of domestic violence where firearms are involved.

This issue was addressed many times by other witnesses. I will talk briefly about women and Bill C-19.

The Barreau du Québec has endorsed the position of the Canadian Bar Association and indicated that a computerized registry of all firearms in circulation should make it possible, primarily by identifying the owners, to better monitor firearm imports and exports, as well as the use of these weapons, while making it easier to trace them when seized by police. In this way, the government would be in a position to achieve the objectives it has set, not only to improve border control, but first and foremost, to contribute in a sensible manner to the suppression of crime involving the use of firearms.

We must realize that after Bill C-19 is passed all firearms will be legal, whether or not they are obtained through channels usually reserved for tobacco or firearms trafficking. Once a firearm is in Canada, it can be sold without risk to either the buyer or the seller, because there will be no documentation. Illegal acts are very seldom admitted in public.

The Barreau du Québec is surprised that the government set itself the goal of making streets and communities safe when, at the same time, it wants to eliminate the mandatory registration of long guns and destroy the existing firearms registry. This is a counterproductive legislative choice in light of the government's goal of protecting the public.

It is hard for me to reconcile the fact that the government wants to protect people's lives and safety while allowing the legal sale of firearms with practically no control.

I am not talking about the semi-automatic firearms in the pictures we were shown during our hearings. I am talking about the type of firearm that cost the lives of young Norwegians, which was one of these non-restricted weapons sold freely on the market, an extraordinarily deadly weapon that can kill a tremendous amount of people in a very short amount of time. I told my colleague who spoke about semi-automatic weapons that these are weapons that, to our great surprise — and to the surprise of our Conservative colleagues — are extremely destructive and are not used for hunting at all. They will be available on the market without any more restrictions than before, other than the registration requirement, which will no longer be a requirement. Do we want to end up in situations like the one in Oakland, where a disturbed person killed a number of innocent people this week? Obviously, the weapon alone will not kill anyone. There needs to be someone behind the weapon, and when people who should not be armed become armed, the consequences are tragic.

I would like to talk to you about a group that wanted to appear before our committee. I say group because it was a number of associations. I would like to give them a voice today. I am talking about the B.C. Society of Transition Houses, the Alberta Council

of Women Shelters, the Manitoba Association of Women Shelters, the Ontario Association of Interval and Transition Houses, the Fédération des ressources d'hébergement pour femmes violentées et en difficulté au Québec, the Transition House Association of Newfoundland and Labrador, P.E.I. Family Violence Prevention Services, the Regroupement des maisons pour femmes victimes de violence conjugale, the Transition House Association of Nova Scotia, the Ottawa Coalition To End Violence Against Women and the Canadian Federation of University Women.

[English]

They are: the B.C. Society of Transition Houses, the Alberta Council of Women's Shelters, the Manitoba Association of Women's Shelters, the Ontario Association of Interval and Transitional Houses, La fédération des ressources d'hébergement pour les femmes violentées et en difficulté du Québec, the Transition House Association of Newfoundland and Labrador, P.E.I. Family Violence Prevention Services, Le regroupement des maisons pour femmes victimes de violence conjugale, the Transition House Association of Nova Scotia, the Ottawa Coalition to End Violence Against Women, and the Canadian Federation of University Women.

They say that they reacted with shock at the Senate's decision to end their study on Bill C-19.

• (1740)

[Translation]

I need not tell you that the decision to end the debate does not rest with this side of the chamber. It was also not the members of the Senate committee, and certainly not our representative on the Subcommittee on Agenda and Procedure, that prevented these people who represent women across the country from telling us that Minister Ambrose admitted to them in February that no gender-based analysis was conducted for this bill. They are appalled at the lack of work done by the government and gave the example of a woman who was killed with a hunting rifle.

For the women's associations that I just mentioned, it is tragic to know that, as of tomorrow, there will be no easy way to identify individuals who have acquired a weapon or to contact government authorities to prevent such individuals from using a weapon in a violent situation.

These women told me that the Government of Quebec developed a comprehensive policy on domestic violence. This policy includes principles to ensure safety. The action plan, designed to ensure the safety of families, includes requirements for all stakeholders, which can be found, for example, in the manual used by police officers, where it states that they can confiscate weapons in situations of violence.

I imagine that you have already seen or heard of police officers going to a home as a result of a domestic disturbance complaint. Clearly, it is easier for them right now to check the firearms registry to see whether there is a weapon in the house that needs to be confiscated. Without a way to verify whether there is a

weapon in the home, it will be more difficult for the police to confiscate weapons since the weapon may be hidden and police may not be aware of its existence.

There is another extremely important group that is active across Canada. I am referring to the YWCA. In Quebec, as elsewhere, this organization plays a remarkable role in helping women get ahead and supporting them in the difficulties they face. In Montreal, where I am from, women have regained their financial independence thanks to this association. The Y has been highly critical of the fact that there will no longer be a gun registry, at either the merchant or federal government level. The registry is an essential tool for control and, more importantly, for providing better protection for women in difficulty, since these associations work with and support these women. However, they will have a harder time taking action when such prevention tools are not available.

We heard testimony from Francine Dulong of Vancouver. She referred to a situation that occurs in all of our respective provinces: bullying. She said that when people use violence to solve their problems when they are young, if nothing is done, by the time they grow up, the violence will only increase.

This woman lost one of her family members in the École Polytechnique massacre. Yet, her family owned weapons. She is originally from Nova Scotia, and her father was a hunter. She said that not all weapons need to be banned. She simply wants the registry to be maintained and for it not to cost the government a fortune. The costs involved in repairing the harm caused, whether by murder or suicide, are also significant. I am sure no one here believes that the day after the Polytechnique tragedy everyone went home and said, "Phew, I was spared, so I don't have any problems." After violent crimes involving individuals or groups are committed, we could ask the authorities how many people committed suicide because they were depressed owing to post-traumatic shock directly related to the incident, as in the case of the École Polytechnique tragedy. So I ask the honourable senators opposite to simply prove to me that beginning tomorrow there will be no increase in the number of suicides or murders and that everything will be fine in an ideal world. No one has given us any proof of this. We need to regulate firearms, which are deadly weapons, and make people accountable in order to prevent them from using firearms against themselves or others.

Priscilla de Villiers, who has been studying this matter for years, was an exemplary witness. I invite honourable senators to read her brief. She knows the subject inside out. Her daughter was murdered. She spoke to us about her in-depth research on the subject. She shared her pain with us, and she also spoke about measures that would prevent other mothers from losing their children in the same way.

Bill C-19 is not the answer. It would have been wiser for the government to propose a small amendment that all senators would probably have supported. In the case of an offence such as the one related to the previous bill, instead of considering it a criminal offence, they could have made it a hybrid offence by ensuring that, if a form was not filled out properly or was received a few days late by government authorities, the person would not have a criminal record — because this would have been a crime — and the situation could be rectified. It would be similar to driving

[Senator Hervieux-Payette]

my car with an expired licence because I forgot to renew it. There are much more practical solutions that are in the best interests of all adults and children.

We must think about the fact that when a spouse is murdered, children are often orphaned and must be supported by the state. The government is always talking about cost. What about the cost when a woman who had young children is murdered and her husband is found guilty. That is if the guilty party is identified, because it will be more difficult to do so without the registry. The family must be placed in the care of the state. As for the simplistic argument that we will be saving money, no serious and competent witness will say: "You know, this registry is so expensive." Quite a fuss has been made about the cost. I just remind people that the federal government publishes its estimates and statement of revenues and expenditures every year. If we want to know the exact cost, we can look it up; it is available, and we do not make it up.

Most witnesses did not raise the question of the actual cost of maintaining the registry. There are already seven million guns registered. Some of the senators opposite told us that there were many errors in the registry.

• (1750)

As far as we know, and as far as we knew, the many mistakes associated with the registry for the most part had to do with restricted weapons. When it came to revolvers and weapons used by a limited number of people, it was a good idea to verify and make corrections. The registry of restricted weapons will continue to exist. If it contains errors, I do not see why the government would not take care of correcting it immediately. Nonetheless, I highly doubt that hunting rifles were registered incorrectly in the newer, non-restricted firearms registry — unless the questionnaires were filled out incorrectly. When it is simply a matter of entering one's name, address and the serial number of the weapon, I do not believe a person would intentionally make mistakes. That is a question for our conscience.

This bill does not deal with managing everyday material goods. We are talking about a bill that will allow people to obtain a gun, without having a regulatory and legislative framework in place to make those people accountable, to find those who commit offences and to remove guns from those who should not have any. Keeping this registry in place is entirely justified.

I urge honourable senators to think twice before refusing to respect the will of the Government of Quebec, which would like to obtain the data and operate the registry. The jurisdictions overlap. A number of provincial authorities have collaborated on creating the registry with the Quebec police. I urge honourable senators to think twice before they proceed. Quebec paid a quarter of the expenses related to this registry. The data will go up in smoke, when it would be so easy to transfer them to the Attorney General of Quebec.

Honourable senators, I hope you will sleep on it and that you will think about the mothers, the people suffering from depression and those who will become victims if we fail to do our work properly.

Hon. Pierre-Hugues Boisvenu: Honourable senators, today we are being asked to speak to a legislative measure that has been subject to many debates about its legitimacy and its effectiveness.

Since Bill C-68 was adopted in 1996, the legislation has been controversial. Its legitimacy was questioned by a number of segments of the population, including hunters and trappers. The registry created a divide between rural and urban communities. Its effectiveness has been questioned with regard to its astronomical costs and with regard to number of lives it was supposed to save.

Honourable senators, I rise today to support the passage of Bill C-19 and to invite you to do the same. I would like to take the few minutes that have been allocated to me in this debate to tell you why.

As you know, I grew up in the wonderful region of Abitibi, and nothing says Abitibi like hunting and fishing. My father and mother decided to raise their 10 children in the country rather than in the city. I am eternally grateful to them for that because, from a very young age, I learned to love nature, to protect the environment and, most importantly, to form friendships with people who are still in my circle of friends today. There were about 10 of us young boys who hunted rabbit and partridge with our fathers' rifles.

I am speaking to you as a Quebecer from Abitibi, an untamed land that epitomizes Quebec, and as someone with a background in science, having studied psychology in university. I believe that a balance between the practical reality and the scientific approach should be considered in this debate in order to prevent it from becoming too subjective or emotional, which can sometimes partially obscure the facts.

As they get older, all hunters become more ambitious and, in Abitibi, the dream was not only to become like Guy Lafleur or Maurice Richard, but also to go moose hunting.

In the 1970s, when we were a little bit older, we had to take firearms safety courses. The larger the weapon, the more vigilant and safe the hunter had to be. Even then, hunting and fishing associations instilled in hunters the principles of proper behaviour in the forest and the safe handling and storage of weapons. It was not just because of Bill C-68 that hunters became vigilant and safe. This was already in practice in the 1970s.

Then the terrible, tragic massacre occurred at the École Polytechnique. Many people, particularly the victims and their loved ones, exerted pressure on the government to improve the monitoring and control of firearms, including those belonging to honest hunters and trappers. Like most people from Abitibi, I highly doubted the effectiveness of this registry and control. Nevertheless, the registry was adopted.

At that time, I was a senior official in the Quebec wildlife department and I witnessed hunters' inability to come to terms with the requirement to register their weapons. I also watched as they gave in and registered them. Thus, the registry became a necessary evil for them.

In terms of legitimacy, this registry was imposed on Canadians who own rifles as though it were the weapon that posed the danger and the perceived threat. The individual, the hunter,

became a potential criminal simply by owning a weapon. Honest citizens from rural regions obeyed the law. Yet this did not prevent tragedies like the one at Dawson College from occurring a few years later, despite the existence of the registry, which was supposed to save lives, but cost billions of dollars. Furthermore, the Auditor General of Canada proved this a few years ago.

In 2002 a terrible tragedy happened in my personal life: my daughter was murdered, and I was plunged into the public arena to stand up for victims of crime.

I always had my doubts about this registry. However, to denounce it publicly while defending victims' rights is simply not done in Quebec. It is inconceivable that anyone in *la belle province* would question the firearms registry. In Quebec, calling the firearms registry into question is tantamount to saying one does not care about violence against women.

Over the course of the eight years that I was a spokesperson for victims of crimes, I never defended the appropriateness of the firearms registry. As my father used to say, when in doubt, don't.

Then one day Prime Minister Harper granted me the immense privilege of letting me join his team to pursue my mission to defend victims' rights. An initial bill, introduced in a previous Parliament, led me to meet with victims' groups in order to explain to them our government's position on the firearms registry. Despite my persistent doubts, I did so. Those meetings were very emotional and very difficult. Indeed, the simple fact of questioning the effectiveness of the firearms registry is perceived as a sign that one does not care about violence against women. I therefore had to gather information in order to be able to enhance my reflections on the matter and above all to develop an objective opinion on the effectiveness of the registry. And that is what I have been doing for the past two years.

What I found is that the registration of hunting rifles has no connection with lower numbers of suicides and homicides in Canada. On the contrary, no advocate of registering firearms has been able to scientifically prove that it has had any bearing on the decline in homicides and suicides in Canada.

• (1800)

If a real debate about the effectiveness of long guns had taken place when Bill C-68 was being passed, we would not be here debating it once again. In fact, the long-gun registry never turned out to be the prevention tool that it was supposed to be. There are no examples of crimes that could have been prevented by the registry.

Instead of having an objective debate about the effectiveness of a registry, the Liberal government of the day exploited the events of 1989 and proposed a political solution.

As was the case in the United Kingdom, the registry was a political response to massacres committed by deranged individuals. For example, the Firearms Amendment Act, a 1988 British law, was passed after the 1987 Hungerford massacre. Similarly, after the Dunblane massacre, the British government passed the Firearms Act (Amendment No. 2) in 1997.

This is very revealing. I studied England, New Zealand and Australia; these three countries reacted in the same way. New Zealand, however, withdrew the requirement that hunters register their firearms in 1983, but maintained the requirement that guns be stored securely.

The first thing that England, Canada and Australia have in common is that all three countries adopted this requirement after massacres that shocked the public. These national registries were established even though gun-related homicides and suicides had been steadily declining for more than a decade before the registries were established.

Let us now talk about Canada. Between 1979 and 1994, the number of gun-related homicides dropped from 183 to 66, a 64 per cent reduction. From 1995 — when the registry was established — to 2010, the number of gun-related homicides dropped from 64 to 36, a 44 per cent reduction.

And now, with respect to the period when all the registry requirements had the full force of law, between 2002 and 2010, the rate dropped by only 10 per cent, from 40 to 36 homicides. That was four fewer murders in eight years at a time when all the requirements were in effect. The same holds true for suicide. I examined the suicide trends. Between 1979 and 2010, the decline in suicides and homicides was the same. These statistics are from Table 253-0005 in Juristat 2011. Also according to Juristat 2011, Canadian homicide statistics for the same period reveal that seven out of ten firearms used to commit homicide were not registered.

Honourable senators, I have a question for you. If the period from 1979 to 1994 saw a greater decline in the number of homicides and suicides than the period from 2005 to 2010 — I am comparing two periods of 15 years each — can I scientifically deduce that the absence of the registry had a greater impact on the decline of homicides and suicides than the presence of the registry? You will say no and I will agree with you. That conclusion is too easy. If I am wrong to draw such a conclusion from the statistics, then why would those who say that the registry can save lives and reduce the number of murders and suicides in Canada be right about a period when the registry existed?

If we want to compare the decline in suicides and homicides in Canada against the registry, we have to compare a period when the registry existed with a period when it did not. If not, we are comparing one period with the same period and that, in my opinion, is not scientifically valid. That conclusion is about as smart as the one I came to.

Our government has decided to invest in crime prevention where crime is on the rise, in other words, especially among young people involved in street gangs.

I am very proud of the witnesses who came to speak in favour of Bill C-19. We had the opportunity to hear testimonies articulated by professionals from the worlds of hunting, medicine and scientific research. These professionals demonstrated that the registry had not delivered the results that were promised when it was adopted.

I would like to draw your attention, honourable senators, to one of the scientists, who is a doctor at McMaster University in Hamilton and who conducted a very scientific, very solid and well

documented study. The study is called *Canadian Firearms Legislation and Effects on Homicide 1974 to 2008*, produced on February 10, 2012.

I urge you to read this scientific study that shows beyond a doubt that there is no link between the presence of the registry and the decline in homicides and suicides. If you want to have an objective, unemotional judgment of the registry, consult this study.

The *New Zealand Herald* newspaper published an article on March 30, 2010, titled “NZ’s firearm homicide rate drops.” In that article, journalist Michael Dickison says that gun killings in New Zealand have declined the most in an international comparison — even though this country has less strict licensing laws than Canada, Australia, and England.

An article in the *Journal of Interpersonal Violence*, which is published in the United States, confirmed that New Zealand had, and I quote:

... the most pronounced decline in firearm homicide over the past two decades.

Honourable senators, New Zealand abolished its registry in 1983, and yet the homicide and suicide numbers dropped just as they did in Canada, England and Australia, which all had registries.

If we really want to determine whether the registry helped to lower the number of suicides and homicides, then comparisons must be made with periods in which the registry did not exist or with countries that do not have registries.

In addition, the president of the New Zealand Police Association, Greg O’Connor, told a journalist from this same publication that the decline in firearm homicides shows that New Zealand has a well-balanced licensing system. That is what Canada wants to achieve. According to Mr. O’Connor, and I quote:

[English]

I would be very disappointed if as a result of the actions of criminals in New Zealand, there was an encroachment against lawful gun-owning people.

[Translation]

This police officer means that he would find it very unfortunate if, with the decrease in crime, we exerted even more control over firearms.

Aside from a few minor cases involving the return of stolen firearms, New Zealand’s registry was seriously flawed and never helped to solve any serious crimes. This was confirmed by the police in an assessment of the registry’s usefulness. The registry had no value, and it was expensive to keep the information in it accurate and up to date. Attempts to improve New Zealand’s registry had been made since the mid-1970s, and after public consultation was held, the Arms Act 1983 was abolished.

New Zealand’s new legislation did away with the registration of shotguns and rifles, which are widely used for sport throughout the country. The new legislation focuses on the issuing of licences to individuals rather than on the registration of each sporting gun and also puts special emphasis on the safe storage of weapons.

In New Zealand, the annual number of firearm homicides has been falling steadily since the 1980s.

The Hon. the Acting Speaker: Honourable senators, Senator Boisvenu’s time has expired.

Senator Boisvenu: Honourable senators, may I have five more minutes?

[English]

Senator LeBreton: Five minutes.

An Hon. Senator: No.

Senator Day: No, there are no extensions here. No, we say —

Senator Comeau: Did you say “no”?

Senator Cowan: You said “no” earlier.

Senator Comeau: That was on the two-and-a-half hour —

Senator Day: Are there going to be extensions or not? You said earlier there would not be.

Senator LeBreton: That was on the time allocation.

Senator Cowan: If everybody agrees, that is fine.

The Hon. the Acting Speaker: We are on a different debate. That was a totally different debate. Now we are on the main motion, which is third reading.

Senator Boisvenu is asking for five minutes. Is it agreed to give him five minutes?

Hon. Senators: Agreed.

The Hon. the Acting Speaker: Agreed. Senator Boisvenu.

[Translation]

Senator Boisvenu: In England, Britain’s Home Office identified an urgent need for a strategy to reduce crimes committed with firearms by organized groups of youth or gangs. The Home Office published a report entitled: *Ending gang and youth violence: cross-government report*, which sets out a strategy based on street gangs, which represent the real challenge to safety in cities and other communities.

The British government now realizes — and the government has said so — that registration measures are ineffective and that illegal weapons present a real challenge. As is the case in England, we need to tackle gang culture and mental health as factors that have an impact on the suicidal and destructive behaviour of men who commit murder.

• (1810)

In the study mentioned earlier, the *Journal of Interpersonal Violence* confirmed that high unemployment rates and the use of hard drugs are more significant factors in the use of a firearm to commit homicide than whether the weapon is registered.

What we need to control are the men, people who have psychiatric problems. We need to crack down on real criminals, those who have never registered their weapons and who are responsible for the vast majority of crimes committed in Canada. We need to address the real problem, the one presented by real criminals, and not law-abiding citizens.

[English]

Hon. Art Eggleton: Honourable senators, I have a long history with this issue of gun control, going back to my days as Mayor of Toronto and subsequently, in the 1990s, as part of the Chrétien government that implemented Bill C-68.

I think Bill C-19 is a tragedy. All of us can remember the immense loss that the country felt because of the rampage at l'École Polytechnique in December 1989, when 14 women were brutally murdered. With that moment fresh in our minds, and knowing the history of the use of guns in our country, I stood with my colleagues in the House of Commons almost 17 years ago and implemented Bill C-68, the Firearms Act. That day exposed significant gaps in Canadian gun laws.

Honourable senators, rifles and shotguns are the guns most likely used in domestic violence situations, accidents and suicides, and they have been used against our police personnel.

This is what the experts were telling us. This is what had to be addressed. As a result, my colleagues and I were asked by a group of more than 350 diverse organizations, including the Canadian Association of Chiefs of Police and the Canadian Public Health Association, amongst others, to strengthen the law. That is what we did. We listened to the voices of law enforcement and to the victims of crime.

I am saddened that today we are going full circle, back to a time before strict gun laws. Have we not learned anything? I believe we have, and that is why I strongly object to this bill.

Senator Runciman: We have spent \$2 billion.

Senator Eggleton: First, the registry is working. Why fix something that is not broken? Second, the cost of the program is not wasteful, as my Conservative colleagues assert. Third, this bill will put Canadians' lives at risk because it makes it easier to buy deadly weapons.

Honourable senators, it has been over 15 years since stricter gun laws, including the registry, were implemented. Has it worked? All evidence, I suggest, says yes. The fact is that firearm deaths in Canada have declined since stricter controls have been put in place.

Senator Runciman: Not since the registry.

Senator Eggleton: However, honourable senators do not have to take my word on the importance of the registry. The facts speak for themselves.

Senator Runciman: Yes, they do.

Senator Eggleton: Fact: The rate of death involving guns is the lowest it has been in over 40 years. Nearly 400 fewer Canadians died of gunshots in 2008 compared to 1995.

Fact: In 1995, 911 Canadians committed suicide with firearms. By 2008, it was down to 518. Keeping firearms away from at-risk individuals is a critical component of a suicide prevention strategy.

Fact: Rates of robbery committed with firearms have decreased 43 per cent, while rates of robbery committed by other means have only decreased by 9 per cent.

Fact: Murders with rifles and shotguns have decreased dramatically, from 61 in 1995 to 36 in 2010. Researchers have concluded that stronger controls on firearms have caused a significant drop in gun homicides with no significant increases in other methods.

Fact: The rate of women murdered with firearms by their intimate partner has decreased by 69 per cent since 1995.

Fact: After we implemented the bill in 1995, a toll-free line was set up for the spouses of firearm applicants or others who may have had concerns about their safety. Between December of 1998 and October of 2001, the line received over 26,000 calls.

These are the facts. The strict gun laws introduced in 1995, including the registry, have reduced gun-related crime in Canada. What is most frustrating for me about the argument against the gun registry is that the facts are ignored. The Harper government is saying, "I have made up my mind, so do not confuse me with the facts."

Now that we know that the Firearms Act played a role in reducing gun crime in Canada, what role did the registry play?

Honourable senators, experts have said that registering all non-restricted firearms to their legal owners is the key to the effectiveness of gun control policy in five important ways. Let me give you these facts.

Screening and licensing firearm owners reduces the risk that dangerous people will have access to weapons, and registration reinforces the licensing, as it holds gun owners accountable for their firearms and reduces the chances that their guns will be diverted to unlicensed owners.

Honourable senators, we license drivers. We also register automobiles. This encourages responsible driving, assists the police in enforcing the law and combats car theft. The same principle applies to firearms.

Another fact: Police officers across Canada use the gun registry — 17,402 times per day, was the last count — for preventative action or to enforce prohibition orders. An example is that shortly after the Dawson College shooting, the police used information from the registry to remove firearms from a potential copcat.

Similarly, after a man had threatened to kill a co-worker with a rifle, police confirmed through the registry that the suspect had a valid license, with nine long guns registered, allowing them to recover the weapons and the ammunition.

Also, a total of 4,612 registered firearms were removed from individuals whose licences were revoked due to public safety concerns. That shows us that the registry has been effective.

The gun registry has aided police investigations. The gun registry has provided over 18,000 affidavits supporting the prosecution of gun crime. For example, the two men identified as accessories to the murder of four RCMP officers in Mayerthorpe, Alberta, were convicted, in part, because a registered gun was left at the crime scene and it could be traced.

Controls over legal guns are essential to choking off the illegal gun supply. An example of this was in March last year, when a licensed gun dealer from Quebec was charged for illegally selling 63 guns, including long guns, to Montreal street gangs. Police started investigating because three of the guns that happened to be registered to this individual were used in gang crimes. Because of that registry, they were able to find a lot of illegal guns.

Most industrialized countries register firearms. The registry helps Canada meet its international obligations to trace firearms and combat the illegal gun trade.

Honourable senators, I just provided five practical ways, with individual stories, in which the registry has helped fight crime in Canada. If we vote today to scrap the registry, these important crime-fighting tools will be lost.

Our Conservative colleagues have talked a lot about the cost of the registry system, but again facts are not part of their argument. The previous system, introduced in 1991 — this would have been by the Mulroney government — cost about \$50 million annually and was deeply flawed. The building of the registry was more expensive than expected. However, what is done is done and the infrastructure is now in place. In the last audit of the program, the Auditor General of Canada reported that the annual costs had decreased significantly and that there had been a large improvement with the system. The RCMP has said that the registry now only costs \$4 million per year to operate.

• (1820)

How much are lives worth? I think even one life is worth this kind of money.

An Hon. Senator: Hear, hear.

Senator Eggleton: If the registry is gone, the cost of police investigations will increase because essential information will no longer be available. Police will be less likely to trace guns to their source and will compromise their investigations, and, more importantly, it will reduce their ability to take preventative action.

I know there are a lot of illegal guns as well. More has to be done about them coming across the border, but an awful lot of registered guns end up being used illegally ultimately or become a part of the problem in our country. Let us not discount them.

In 2006, the Graduate Institute of International and Development Studies in Geneva singled out Canada's gun law for its significant impact on reducing gun death and injury in Canada. Here is an international agency that estimated that the decrease in gun injuries and gun deaths since 1995 has saved up to C\$1.4 billion a year — and, I might add, how many lives? Many lives.

If it were as useless and wasteful as the government insists, then why would our police rely on it so much? Why would they use it so much? Why would they continue to insist that it is a valuable asset?

The police associations have stated that the registry is an essential tool in fighting crime. Toronto Police Service Chief Bill Blair, in his capacity as former president of the Canadian Association of Chiefs of Police, said:

... we should not be diverted, here, from the most important point. This is about public safety. The registry has made Canada a safer country. The registry has saved lives. We lose it at our peril.

Let me just repeat part of that quote: "The registry has made Canada a safer country. The registry has saved lives. We lose it at our peril."

Honourable senators, my last point is that I believe this bill is a reckless, short-sighted piece of legislation. Unlike all previous Conservative attempts to end the registry, Bill C-19 goes far beyond simply repealing elements of the Firearms Act. It actually removes critical measures that have been in place since 1977. It will allow a licensed owner to acquire an unlimited amount of guns without anyone being legally required to check whether the licence is valid. This includes weapons such as sniper rifles, the semi-automatic Ruger Mini-14, which was used in the Montreal massacre and used most recently to kill 77 Norwegians last summer. There will be no way to know who owns these powerful guns or who sold them. Let us be clear: We are talking about weapons that can pierce armoured cars and precisely hit a target nearly two kilometres away.

As well, there is no provision in the bill to reinstate the requirement that businesses keep records of sales. This has been required also since 1977, and will be repealed because it is kept in the registry. This removes the tool that allows police to find out where guns used during crimes come from. The Canadian Association of Chiefs of Police wrote to the Minister of Public Safety in May 2011 requesting that this requirement be reinstated and be kept and available to the RCMP. Without this information, there is no way for police to investigate the sources of rifles and shotguns recovered from crime scenes or seized from suspects.

Honourable senators, back in May 2010, a group of experts testified in favour of maintaining the long-gun registry. Included in this group were the RCMP, the Canadian Association of Police Boards, the Canadian Police Association, the Attorneys General of Ontario and Quebec, the Canadian Association of Emergency Physicians, the Canadian Paediatric Association, the Canadian Labour Congress, and on and on.

Are we to believe the Conservative government's claims about the registry over all of these respected experts? There is no logic to the many contradictions coming from the government. On the one hand, the rationale behind their recently passed crime bill, Bill C-10, is that it would increase public safety. However, Bill C-19 is clearly a danger to the public. There is no consistency; it is going in the opposite direction. That is from what the Conservatives say; I do not think Bill C-10 is going to increase safety at all. It is going to create a crime factory in our prisons. Nevertheless, the government has said that, and now they are going in the other direction here.

Bill C-10 supposedly gives a voice to the victims of crime, yet this bill ignores what the victims themselves, who oppose this legislation, have been saying. I recently received a letter from the mother of one of the victims of the Montreal massacre. Perhaps we all did. I think it is worth repeating what she said. She said that the day parliamentarians passed this bill was the saddest day for her since December 6, 1989, when she lost her daughter. She said, "The government estimates the value of human life at \$5 million. I can assure you the loss of a loved one cannot be measured in monetary terms. The pain of such a loss is beyond anything one can imagine. My faith in government is at the threshold of cynicism."

Sadly, what we have is yet another policy — a Conservative policy — that is based solely on ideology and securing votes with a complete disregard for the facts, with a complete disregard for the evidence.

The Hon. the Acting Speaker: Honourable senator, your time is up. Do we agree to five more minutes?

Senator Eggleton: I only need one more minute.

The Hon. the Acting Speaker: Is it agreed?

Hon. Senators: Agreed.

The Hon. the Acting Speaker: Five more minutes.

Senator Eggleton: The abolition of the gun registry, I believe, is a slap in the face to victims of crime who are mourning their dead or tending their injuries. It will unnecessarily curtail a critical safeguard and crucial data that is needed to ensure the future safety of all Canadians.

Some Hon. Senators: Hear, hear.

Hon. Vernon White: Honourable senators, today I rise to speak about Bill C-19, a piece of legislation that will re-engage law-abiding Canadians who have felt that they have been treated like common criminals.

Honourable senators, I ask that you support this legislation as we right a wrong. The mere suggestion that knowing the serial number of a firearm would make society safer is ill-conceived at best.

[Translation]

Last week, the executive director of the Canadian Shooting Sports Association explained the problems with the long-gun registry.

[English]

He described the people within his organization, who enjoy responsible sport shooting, hunting, firearm collecting and related heritage pursuits. He stated his members enjoy a day at the range the way some families enjoy trips to the arena, soccer pitch or otherwise. He went on to say that his organization has expended \$875,000 in the last 10 years defending members in criminal cases that pertain solely to an administrative breach of the law, criminalizing otherwise law-abiding, criminal-record-checked Canadians.

[Translation]

Honourable senators, we also heard from Linda Thom, who has represented Canada in international shooting competitions and has won five gold, four silver and two bronze medals for our country.

[English]

As well, Ms. Thom is best known for winning an Olympic gold medal in 1984. She spoke in favour of regulations regarding proper storage of firearms, such as safekeeping ammunition and guns, for example, and of the requirements regarding licensing of those wishing to have long guns to take and successfully complete gun safety courses, written and practical, continuing in her assertion that it is important that gun owners and those possessing a licence are real preventative tools.

We heard passionate people speak about the long-gun registry, honourable senators. We heard from lawful, engaged Canadians — those who are licensed to possess and acquire long guns and ammunition — tell us that they agree fully with the requirements for obtaining those licenses and for the safety, safe handling and use of firearms in Canada, but that the long-gun registry is criminalizing those same Canadians.

Some witnesses referred to other countries and the movements that have either instituted or abolished registries such as that which we are speaking about today. I would suggest that Bill C-19 will allow us, as lawmakers and those who actively work with our communities to combat crime, to focus that energy on those who are committing crimes with guns rather than those who are not. The reality, honourable senators, is that those who are committing gun crimes in this country are neither the same people taking a two-day course in order to be able to apply for a licence nor those undergoing a criminal records check with the police. The truth, honourable senators, is that the criminals using guns out there in Canada are not bothered by our long-gun registry. They do not use it. Instead, it is one of the largest data banks of lawful Canadians that exist in this country.

• (1830)

It is law-abiding Canadians who are made to feel like criminals and who often find themselves criminalized for a breach of administrative law and putting themselves at odds with law enforcement officials.

I would assert that the long-gun registry cannot prevent crime. It cannot predict criminal behaviour. After all, it is a list of serial numbers of pieces of equipment lawfully owned by lawful Canadians. The words “lawful Canadians” should resonate with each of us, as gun owners would not be able to have a licence should this not be true.

What happens should Bill C-19 pass? We will continue to have the stringent, important safeguards in place — licences, police checks, mandatory waiting periods, references, attendance at required courses for the applicant, and passing written and practical tests. Each of these things makes long-gun owners accountable for that which they have chosen to become — owners and users of long guns. The reason these things, especially the written and practical tests, are put in place is because we have proven through hunter safety courses for many years that they are among the biggest strengths in preventing deaths and injuries in the hunting field and they have worked extremely well.

Some would argue that the registry assists police in knowing whether there is a gun in a residence prior to their arrival. I can say from experience that every officer I have worked with in almost 31 years goes to every call with the firm belief that there is a gun available to the person with whom they are about to deal. That thinking — and not a data bank which may or may not be accurate — will keep that officer alive. Again, it is this training and operational thinking — and not an inaccurate data bank — that will save the life of a police officer. Even the thought that the serial number of a long gun in a data bank makes one safer makes little or no sense.

The reality is that I could own a long gun, having been licensed appropriately and having lawfully registered it, and I could lawfully loan it to my friend, Senator Lang, for example, who I know has met the same licensing requirements. The officer coming to my house could check the data bank and find that I have a gun, when I do not. Another officer going to see Senator Lang could be told that he does not have a gun, when, in reality, because of the loan, he does. It was a system set up to fail, and it has succeeded in failure every time.

Last, when the registry was created, it was challenged in the courts by five provinces, including New Brunswick, Newfoundland and Labrador, and Nova Scotia, all of which, I believe, had Liberal governments at the time. I would argue that that undermines any partisan argument.

This is about a group of law-abiding Canadians who want to be treated with the respect they deserve. I would argue that the symbolism of tough gun laws is all well and good, but symbolism has not translated into savings lives. We need to focus on criminals using guns in Canada, not law-abiding Canadians who use guns as they have done in this country for centuries. I would argue that the long-gun registry has provided Canadians and police officers alike with a false sense of security. The strength of a strong government is that it admits a mistake has been made. In my view, honourable senators, this is one such opportunity we have been afforded in abolishing the long-gun registry and passing Bill C-19.

[Translation]

Hon. Maria Chaput: Honourable senators, according to what we have heard over the past few weeks, Bill C-19 was apparently created in response to the fact that a number of honest

citizens and hunters believed that they were being treated like criminals when they registered their firearms. The government's response to this concern, a legitimate one, was radical and difficult to justify.

On a number of occasions, they have talked about the good old hunting rifle, even though the bill also covers rifles that can pierce light armour. We have seen the list and pictures of long guns that will no longer have to be registered. You are all aware that these are not at all traditional hunting rifles.

The introduction of Bill C-19 has also been somewhat inconsistent because it comes to us just weeks after the passage of Bill C-10, which, according to the government, sought to make our streets and communities safer. The argument in favour of Bill C-19 and the abolition of the registry was made many times. It is not guns that kill, we are told, but people. That argument seems to appeal to a number of honourable senators. My intention today is not to change their minds. They have had a number of opportunities to do so, and I respect their choices. I simply want to tell them that Bill C-19 is not limited to abolishing the registry, as they would like to believe.

People defend the abolition of the long-gun registry saying that nothing will change and that if a person has a valid licence, then we should trust them. The problem is that Bill C-19 does not require the vendor to ensure the validity of the buyer's licence. People should stop saying that Bill C-19 only seeks to abolish the registry; it also makes it much easier for anyone to buy a weapon.

In 2009, the government introduced Bill S-5, An Act to amend the Criminal Code and another Act, which also sought to abolish the firearms registry. Bill S-5, indeed, sought to abolish only the long-gun registry. Bill C-19 differs from Bill S-5. Under the current legislation, when a firearm is purchased, the vendor has to notify the registrar of the transfer of the weapon in order to verify whether the person acquiring it has the necessary licence. That is only logical. Registry or not, we have to make sure that the person buying a weapon has a valid licence. Bill S-5 maintained that requirement. Under Bill S-5, which sought to abolish the long-gun registry, the vendor was the one required to notify the firearms registrar and to obtain a vendor's licence.

Again, whether you are for or against abolishing the registry, we can agree that the purchaser's licence should be verified. Bill S-5, introduced by this same government, fell in line with that principle. The government changed its mind and that provision no longer exists in Bill C-19. Under Bill C-19, a vendor can request verification of the licence, but he does not have to. The vendor has to have “no reason to believe that the transferee is not authorized to acquire and possess that kind of firearm.” That is all that is required.

Why remove the obligation to check the validity of the licence? Do we feel as though we are being treated like a thief when the librarian checks to see whether our library card is valid before allowing us to borrow books? Would an honest citizen object if the seller confirmed that he had the licence necessary to make a purchase? When we drive a car and we are stopped by the police, they verify whether we have a valid driver's licence. Is this not standard practice?

The minister told the committee that it would not be advisable for the store owner to sell a weapon to someone who did not have the required licence since the store owner could then be sentenced to five years in prison. In other words, following a murder or an attack involving a firearm, store owners can be found guilty if it can be proven beyond a reasonable doubt that there is "reason to believe that the transferee is not authorized to acquire and possess that kind of firearm."

The words used in the act are "reason to believe," but how can that be proven? Is it the store owner's fault if the purchaser showed him a very convincing fake licence? We are then faced with a crime that could have been avoided.

Let us set aside the issue of the registry since most honourable senators want it to be abolished. Rather, let us speak of the licence required to acquire a firearm. I am trying to understand why the government decided to take the same bill it introduced two years ago and remove the obligation to verify all licences at the time of purchase. It is this specific point that concerns me.

We have been told repeatedly that it is not the weapon that kills but the person. So then why would we not want to ensure that the identity of the transferee is known before the weapon is sold to him? Why would we no longer want to ensure that the transferee's licence is valid before he is allowed to acquire a weapon? After all, from what we are being told, it is the person who is dangerous, not the weapon.

As senators, these are the types of details on which we must focus. Have we really understood why the government did not just reintroduce Bill S-5? If the honourable senators are convinced that the registry must be abolished, are they certain that the bill before them does only that?

According to the testimony that we heard before the Legal and Constitutional Affairs Committee, this bill does more than simply abolish the firearms registry.

• (1840)

I hope all honourable senators, regardless of their position on the registry itself, are aware of that. By voting in favour of Bill C-19, we are abolishing the registry, but we are also removing the requirement to verify whether the buyer is licensed to possess a firearm. Therefore, honourable senators, I fail to see how Bill C-19 promotes public safety. I think it does the opposite.

Hon. Claude Carignan (Deputy Leader of the Government): Honourable senators, to govern is to choose between various options to prevent crime and make our streets safer. First, I want to make a few comments on the gun registry.

It was put in place as a political answer to the demands and representations made by victims and the families of victims of the Polytechnique massacre. That terrible tragedy, which occurred on December 6, 1989, shocked our whole society and was even felt abroad. Human beings, regardless of their nationality, are always shaken by such insane and inhuman behaviour. As we all know, this tragedy rocked our community because women were specifically targeted.

The crazed gunman, Marc Lépine, did not just kill 14 women. In a way, he fired on all the women of Quebec and Canada. Did he know his victims? Had he even met them before? The answer to these two questions is no. Since he did not know his victims personally, his deadly rage was not directed at them as human beings but, rather, at them as women. He fired on the women of Quebec and Canada. Consciously or not, that is how we absorbed that shock.

Without minimizing the pain felt by the families and loved ones of the 14 women killed on December 6, 1989, that terrible tragedy had a devastating impact on one of our most fundamental values, gender equality, which various people, but mainly courageous, trail-blazing women, have fought for decades to achieve. The Polytechnique massacre caused a trauma that was all the more significant because of that. This barbaric act touched the heart of our nation, but it was committed by an extremely disturbed individual who was obviously out of touch with reality and who went on a killing spree.

After the most serious wounds healed, various groups got organized to demand tougher and more restrictive laws. The extreme emotions related to the tragedy that led to their demands and their actions may have convinced the government of the day to take a series of important measures, some of which may have had a concrete impact, while others, such as the long-gun registry, did not have any impact on prevention. Unfortunately, of all the measures that were taken, it is the long-gun registry that came to symbolize the rejection of violence against women. In a way, the registry is also perceived by some as a monument to the memory of the Polytechnique victims. Unfortunately, the registry was the most ineffective and costly of all the control measures taken.

As parliamentarians, we must step back and take an objective look at what is presented to us. When we take the time look at everyone's position on the gun registry issue, we quickly realize that there is no serious study proving its effectiveness in preventing homicides.

In fact, as my colleague, Senator Boisvenu, pointed out, a recent study by McMaster University revealed that having more stringent gun control laws has no effect on the homicide rate and on spousal homicides in Canada. The researcher in charge of the study, an emergency department resident at McMaster University, discovered that the overall decline in gun crime could be attributed to a richer and older population, and that adopting better social programs to fight the causes of gun violence would be much more effective than legislation.

Other studies have concluded that gun control measures have a certain degree of effectiveness. One study in particular attracted my attention because it summarizes the studies about this subject. I am referring to the study of the impact of gun control laws on homicide in Canada between 1974 and 2004 by professor Étienne Blais, professor of criminology at Université de Montréal. This study was published in 2011 and sought to measure the impact of Bill C-51, passed in 1977, Bill C-17, passed in 1991 and Bill C-68, passed in 1998. It looked at performance indicators in order to measure the real impact of these three laws on homicide rates. These indicators included the province of origin, the proportion of men between 15 and 24 years of age, the unemployment rate,

per capita beer consumption, and the number of homicides — using a restricted or prohibited weapon, a shotgun or hunting rifle — per 100,000 inhabitants. The study suggests that the best preventive measures are conducting a background check of the person at the time a firearms possession permit is requested, storing firearms securely and cancelling a firearm possession licence.

If one thing has been proven, honourable senators, it is that there has been a decrease in the firearms mortality rate since 1979, well before the implementation of the firearms registry. However, several other measures have also been adopted since that time to control who is allowed to possess a firearm.

There is no research to show that there is a link between this decrease in the firearms mortality rate and the registration of such weapons in a national registry. It is more important to control who is allowed to own a weapon than to control the number of weapons that person can possess.

One fact remains. The implementation of the firearms registry cost taxpayers a fortune. According to the Auditor General of Canada, the firearms registry cost over \$2 billion, and there is no concrete evidence to prove that it prevented a single crime. This amount could have been better spent preventing gun crime and adopting more effective tools for the police and courts to use in arresting and sentencing offenders.

Imagine for a moment what we could have done with \$2 billion. Two billion dollars represents 2,000 additional police officers for 10 years or, if you prefer, 4,000 community workers for 10 years. Think about it. Personally, I am convinced that 2,000 additional police officers or 4,000 community workers in the area of prevention would have produced much better results than a registry, the impact of which we are still having difficulty determining after 17 years.

Some people claim that gun control legislation saves lives. Allow me to comment briefly on this myth. For many months and even years, the police have been saying that the firearms registry does not help to prevent gun crime. Gun control legislation is powerless to attack the root causes of crime and to prevent offenders from engaging in shootings in the streets. The evidence presented by the witnesses speaks for itself.

• (1850)

The long-gun registry does not help put an end to gun crime, nor did it help save Canadian lives.

Honourable senators, the truth is that from a legislative perspective, the most effective form of gun control is still the licensing system. That is why Bill C-19 keeps the system currently in effect. That is also why it maintains the very strict control of restricted and prohibited firearms. At the end of the day, the firearms registry is just a data bank to which law-abiding firearms owners had to contribute data. Through its implementation, the bill before us will eliminate the requirement to register non-restricted firearms.

Abolition of the registry will free up resources from a program that has proven to be ineffective, cumbersome and costly. We will be able to use taxpayers' money to implement proven gun control

and crime prevention measures. The measures missing from Bill C-19 are just as important as the ones it contains. For example, the bill makes no changes to the Canadian gun licensing system.

Anyone wishing to acquire and own a long gun or any other type of weapon will still have to get the necessary licences. I would like to correct something Senators Chaput and Hervieux-Payette said. The honourable senators said earlier in the day that Bill C-19 would get rid of the requirement for a purchaser to present a licence when purchasing a firearm. That requirement does not exist under the current legislation. The only requirement of the purchaser is to have a valid licence at the time of the purchase.

The current section 23(a) of the legislation stipulates that:

the transferee holds a licence authorizing the transferee to acquire and possess that kind of firearm.

There is no requirement to present a licence. Bill C-19 does not change this section of the act. Nonetheless, Bill C-19 does introduce a new provision, section 23.1, which allows the vendor to verify with the registrar whether the purchaser holds the licence referred to in paragraph 23(a), which we do not have in the current legislation. Purchasers will still have to submit to a thorough background check and pass the Canadian Firearms Safety Course before they can obtain a licence.

Honourable senators, as prescribed under the existing regulations, these individuals will undergo an extensive verification to ensure that they do not have a history of violent criminal offences or a mental illness associated with violence, that a tribunal has not issued a prohibition order preventing them to possess a firearm, and that they do not represent a threat to security.

Bill C-19 does not change anything about that. In fact, our government has taken measures to strengthen the licensing system.

[English]

Additional funding of \$7 million per year has been invested since 2006 to enhance front-end screening of first-time firearms licence applicants. This funding allows officials to screen an additional 20,000 applicants per year, including all applicants for restricted licences.

[Translation]

Our government has also acted to improve compliance with the existing federal legislation on firearms and to ensure that an increasing number of gun owners are licensed and, consequently, are subject to ongoing verification of their eligibility. Such permanent control measures will ensure that a licensed gun owner who displays high-risk behaviour is automatically brought to the attention of law enforcement authorities. In fact, there is a 1-800 line that allows individuals who are concerned about public safety as it relates to firearms, albeit not in an urgent way, to report such situations.

So, a number of measures already exist and will remain in place to monitor firearms. They include the firearm prohibition order, the rejection of the initial request and the licence revocation.

To understand the impact of all these measures, it is interesting to know that, in 2005, there were 58,709 people who had their firearm licence revoked. Under our government, that number climbed to 301,048 in 2010.

Honourable senators, one must realize that the gun registry is just one of many measures taken to monitor the use of firearms. The Canadian firearms program includes about 20 measures. These include the imposition of minimal sentences, a thorough review of licence holders, the ongoing verification of eligibility . . .

The Hon. the Acting Speaker: Honourable senators, the honourable senator's time has expired.

Senator Carignan: May I have five more minutes?

Hon. Senators: Agreed.

Senator Carignan: . . . the requirement to take a firearms safety course, the regulations on the safe storage of firearms and ammunition, and so on. There are an impressive number of specific measures to control firearms, and this is probably why, since 2006, over 300,000 people have been prohibited from having firearms.

[English]

In addition to leaving the existing licensing regime in place, Bill C-19 also makes no change to the requirement for owners of restricted and private firearms, including all handguns and automatic firearms, to register these weapons through the RCMP's Canadian Firearms Program.

[Translation]

Honourable senators, Bill C-19 will allow us to achieve a balance by preserving the existing licensing system and maintaining the compulsory registration of restricted and prohibited firearms, while abolishing the requirement to legally register rifles and shotguns.

Our government is committed to making our communities safer. However, the long-gun registry does not in any way help achieve that objective. In conclusion, honourable senators, I would like to summarize again the goals that Bill C-19 will allow us to reach.

It will eliminate the obligation for law-abiding long gun owners to register their non-restricted guns. It will eliminate the burden imposed on law-abiding hunters, farmers and sport hunters, who have been treated like criminals for too long.

It will put the emphasis back on proven tools used by law enforcement authorities, tools that are reliable and produce the desired results.

At the same time, the strict licensing system in place, which is among the concrete and responsible measures taken to control firearms, will remain unchanged.

[Senator Carignan]

Honourable senators, in May of last year, we presented Canadians with a clear plan explaining how we are going to fulfill our mandate. We promised to reintroduce our law and order measures, and to adopt them in the first 100 sitting days of Parliament. That is why I am inviting all honourable senators to look at the legislation before us today and to vote in favour of it.

Senator Chaput: Honourable senators, I agree with the honourable senator when he says that Bill C-19 does not remove the obligation to present a licence. You misinterpreted what I said earlier.

Now, I am going to ask this question: Does Bill C-19 remove the obligation for the seller to verify the validity of the licence presented by the buyer?

• (1900)

Senator Carignan: Not at all. That individual is not allowed to sell his weapon to someone who does not have a licence. If he does, he is committing an offence punishable by up to five years in prison. That is why, as a lawyer, if I were giving advice to someone selling a weapon, I would suggest that he ask the question.

The law does not oblige people to ask the question, but they do not have the right to sell to anyone who does not have a licence. If a seller has reasonable grounds to believe that the buyer does not have a licence, he must not sell the weapon. So how does one verify this, if there are no reasonable and probable grounds to believe that the person does not have a licence? The best way is to ask the question.

Senator Chaput: And what is the definition of "reasonable grounds"?

Senator Carignan: I think that when one is selling a weapon, especially for a store like Canadian Tire or some other similar business, there are no grounds; there is no other way besides asking the question. I do not think that stores or businesses would risk committing even one offence of this nature, considering the consequences they could suffer. So I am sure these people would definitely verify these aspects.

Hon. Joan Fraser: Honourable senators, I will come back to this very specific point in a few moments.

[English]

I would like to echo the sentiments expressed yesterday by Senator Lang, who said that in our committee, I think all members had their understanding of the other side deepened. I would like to say for the record that the person who was most responsible for deepening my understanding of the other side was Senator Lang himself. His passion, conviction and transparent honesty in presenting his passion and conviction were far more persuasive to me than any witness who supported Bill C-19.

We are told that the registry is not perfect. Well, no database is perfect, absolutely not perfect. The fact that it is not perfect does not make it useless, does not invalidate its use as a tool. I wish to note that if it is imperfect, if it contains errors, there are some

reasons for that which tend to be overlooked. One is that, from the outset, some people set out deliberately to sabotage the registry, not only by tying up phone lines but by making false entries, as we were reminded yesterday, even in registering glue guns.

The amnesty this government brought in almost as soon as it took office and has renewed five times has also undoubtedly contributed to the fact that much of the registry's information is not up to date.

Finally, I would note that many errors, according to the Auditor General, relate to the transfer of earlier data about handguns, not about long guns.

We are told, among other imperfections, that many police do not really understand the registry, so they make mistakes when they are administering it because they have not been properly trained. Well, if they have not been trained, train them. That is not an excuse for abolishing the tool.

Let us go back to why the registry exists. It was designed to reduce, not eliminate, the risk of death and injury by guns. Despite the critics' allegations, it has helped to achieve that goal.

We heard from Senator Eggleton, for example, about statistics regarding the decline in gun-related deaths, even though the population has increased. Senator Eggleton and others have mentioned the foiling of the would-be copycat killer after the Dawson College shootings in Quebec as well as the case relating to the Mayerthorpe gun and the registry's utility in finding accessories to that. There are other examples of the utility of the gun registry. Heather Imming, who faced violence by her partner, credits the removal of the firearm because of the registry for saving her life.

In February, there was another example. An employee of a B.C. hunting store was charged with stealing 159 firearms from that shop and trafficking them by posting them on websites popular with gun enthusiasts. The police say the registry helped to apprehend the suspect and recover 159 stolen guns. That is a reminder that, even though it is true, as we are told so often, that criminals do not register their guns, criminals do steal guns and that it is not infrequent for those stolen guns to be traced back because there is basic information in the registry about the original source, the original owner of those guns.

That kind of example is why so many people, including police, support retaining the registry. We hear about one debatable survey of front-line police officers, but the fact is that every front-line police organization in the country, from front-line cops all the way up to chiefs of police, all support retaining the registry, and these examples show why they use it. We are told that of those 17,000 daily referrals to the registry, probably a lot of them are automatic and do not really count. Even some of the ones that are automatic produce useful information, automatic if a car that looks suspicious is stopped, even at a traffic stop.

For example, one thing that strikes me is that last year in the nine months to September 30 there were, as a daily average, 363 queries relating specifically to the serial numbers of the guns

in the registry — 363 per day. That is over 130,000 per year. That means the police are using that registry.

The registry has been instrumental in producing 18,000 affidavits to support prosecution of gun-related crime, and 2,000 licences are revoked each year by court order or by the police. Because of the registry, when those licences are revoked each year, 4,500 guns are seized from people who it has been determined should not have guns and who represent a public danger. Nobody is talking about taking away the guns of safe, law-abiding, ordinary citizens, but some people should not have guns.

We also hear a lot about the costs. We hear over and over again that famous \$2 billion figure. Well, first of all, what it costs to set up the registry is sunk money; it is gone and we will never get it back.

In any case, most of the money to start up the registry and to continue it in operation today, the firearms control registration system, is related to the licensing system, not to the long-gun registry. The long-gun registry accounts for less than 10 per cent of the operating cost of our gun control system. The RCMP says it will save only \$4 million per year when the long-gun registry is gone, and as has been pointed out, the cost of police investigations will, of course, rise.

Against that cost, look at the cost of gun-related violence to Canadian society. Estimates range between \$3 billion and \$6 billion per year. Honestly, is it not worth retaining a \$4 million tool to help keep down costs of between \$3 billion and \$6 billion?

One particularly emotional element of this debate is that it is often seen as opposing urban Canadians to rural, and especially to Aboriginal Canadians for whose way of life the use of guns for hunting is often integral. However, problems with guns exist in rural and Aboriginal communities as well. To give just one example, communities with above-average rates of gun possession also have above-average suicide rates, for example, in Aboriginal communities in rural Alberta. Other studies find that rural and Aboriginal women are far more apt than others to report great fear of spousal violence because there are guns in the house.

• (1910)

That last fact is a reminder that this is a women's issue. It is not only a women's issue. If you are dead, you are dead, whether you are a man or a woman. However, it is a women's issue because, over and over again, rifles and shotguns are the weapons most often used to threaten or kill women and children. That is why I find it so unbelievable and inexcusable that the government apparently did no gender analysis of this bill before presenting it.

There are so many things wrong with this bill, but if we pass it — as the government side is determined to do — without amendment, what will happen? What will be the results? For starters, we will be in breach of a series of international obligations, as we were reminded by Senator Hervieux-Payette. There are at least four or five international instruments that require that we trace firearms — the possession, sale and transfer of firearms.

We asked a civil servant who is supposed to be knowledgeable about this and he said, “Well, once you pass Bill C-19, there are other things you can do to trace the firearms.” However, he was not specific at all about how one could do that without passing fresh legislation to enable the tracing of firearms if we are going to meet those international obligations.

In that context, as I told the committee, I was particularly struck by the case of the UN Firearms Protocol, which requires tracing. Just last October, at the Commonwealth Heads of Government Meeting, Prime Minister Harper urged Commonwealth heads of government to comply with all obligations arising under international law and urged all countries to become parties to and implement the UN Firearms Protocol. I do not know where to spot a note of sincerity in these conflicting positions; maybe in neither.

Here at home, we will damage federal-provincial relations. As we have heard, the Province of Quebec, as is its constitutional right, wished to set up a gun registry for its own citizens and asked the federal government to negotiate the transfer of the data. The Minister of Public Security of Quebec, Robert Dutil, wrote a letter to our committee which states:

[Translation]

Quebec wishes to agree on the conditions for the transfer of registry data concerning Quebec citizens as soon as possible. In our opinion, this would be the perfect opportunity for the federal government to deal with this matter in a spirit of co-operative federalism.

[English]

So much for cooperative federalism. This bill, far from consenting to negotiations, says that data have to be destroyed as soon as feasible after the bill is passed. I do not know whether that can be done in 10 seconds, 10 minutes, 10 hours or 10 days, but the law is going to say “as soon as feasible,” which is, of course, why the Government of Quebec has now had to resort to seeking an injunction before the courts.

Far worse, from the point of view of ordinary citizens, is that this bill will create gigantic loopholes in our system. First, there is the matter of non-restricted guns. Some honourable senators have seen the email I sent around —

Senator LeBreton: Which was ridiculous.

Senator Fraser: I wish it were ridiculous.

Senator LeBreton: It is ridiculous.

Senator Fraser: — with illustrations of some of the weapons which, under Canadian controls now, are not restricted. They are, however, like all guns, at the moment, required to be registered. They include the gun that was used at l'École Polytechnique. The same gun was used, as Senator Hervieux-Payette said, to kill 77 young people in Norway last summer.

When the registry is gone, honourable senators, those guns will still be unrestricted and freely available — one can buy them on the Internet — and there will be no way to know who in Canada

is toting around guns that are actually sold as assault rifles. Their makers, in some of these cases, call them assault rifles. These are not duck guns. If one tried to shoot a duck with one of them, one would blow the poor bird to smithereens.

That is one problem. The next problem, as has been said, is that there will be no obligation on merchants to keep records. For years before there was a gun registry, there was an obligation on merchants to keep what were called “green books,” which were records of who bought which gun, and those records were available to the police if the need arose.

We heard from Sergeant Murray Grismer, who opposes the registry and supports this bill. He said:

Years ago, before I became a police officer, I worked in retail sales in a sporting goods shop. I am very familiar with the ledgers that were kept then. That kind of a system was not onerous then and I do not think the dealers of today would consider it onerous now.

However, the government is not interested in restoring that system. We will be going back not just a couple of decades, but we will be going back to the mid-1970s, to the status quo then when no such ledgers were required. The government side in committee voted down an amendment to re-establish this non-onerous system of keeping records, which would help the police to do their jobs and which would remove the onus from gun owners and give it back to the merchants to keep the records. I cannot understand why the government does not want to preserve those.

May I have five minutes more, please?

Hon. Senators: Agreed.

The Hon. the Acting Speaker: Five minutes.

Senator Fraser: Thank you very much, honourable senators.

As has been much discussed here, there is the question of licences. It is unfortunately true that there is no obligation in this bill for merchants to check the validity of licences. The bill says that the purchaser must possess — not present, but possess — a licence and that the merchant must have — a double negative is about to appear — no reason to believe that the purchaser does not have a valid licence. There is no obligation on the merchant to verify in any way whether there is such a valid licence. The merchant is allowed to call the firearms centre to ask, “By the way, does this person have a valid licence?” However, the firearms people are not allowed to keep a record of that call.

We know that some of the worst people in our society who are going to turn up to buy guns are among some of the most plausible folks, some of them our next-door neighbours. I draw to honourable senators' attention the estimable character of Colonel Russell Williams, for example, the previously believed to be estimable character.

In the past — actually, under the law as it still exists tonight — the merchant does not have to check the validity of the licence, because what the merchant does have to do under the present law

is call the firearms people to ask, "Can you give me a registration certificate for this person and the gun?" Before that certificate is issued, the firearms people check to see whether there is a valid licence.

However, there will no longer be registration certificates for long guns. We will have more than 7 million long guns out there — the ones that are now registered, plus all the ones that will be bought — with no means of knowing who has them, where they are or what their origin might have been, let alone whether they are in the hands of criminals or people who have lost their licence, as, I think, about 2,000 a year do, sometimes because of emotional difficulties, for example.

• (1920)

We proposed an amendment for licence checks as well, and the government side voted that down, too.

Senator Tardif: Shame.

Senator Fraser: I find it incomprehensible, inexplicable that this government, which is so quick to trumpet its dedication to the police and to victims, should insist on pressing ahead with this bill, which is opposed by police and by the majority of victims.

Honourable senators should have heard some of their representatives speak to us. I will quote to you Mr. Steve Sullivan, the victims' representative in Ottawa, who said, "we talk about how maybe gun owners feel. I apologize if they feel that way, but, with all due respect, we," that is, those who deal with victims, "deal with people who face real terror and real fear." He went on to say a little later that "those people may feel targeted. The people we stand with are targeted."

That is the terrible truth, honourable senators. It is not the law-abiding gun owners who are the problem. It is the people who should not have guns who are dangerous and who will now find it much easier to get guns. Trust me — some of them will use those guns.

Hon. Donald Neil Plett: Honourable senators, I would like to also add my support to Bill C-19, the Ending the Long-gun Registry Act. This legislation, 17 years in the making, will finally repeal the inane requirement to register non-restricted firearms such as long guns. This requirement was introduced by the Liberals in 1995 and has, as has been said many times this evening and over the past, proved to be a \$2 billion boondoggle that was both wasteful and ineffective and did nothing to keep guns out of the hands of criminals.

At the outset, I would like to note that I myself do not own any guns and have not since the Liberals enacted the long-gun registry. I did own three long guns until that point, always using them responsibly and storing them correctly and safely. However, I was not about to register them, so just before the registry came into effect, I disposed of all of my guns.

Senator Chaput stated, and I would like to quote the same statement — and possibly the words are a little different — that guns do not kill people; people kill people.

We have heard several senators reference the École Polytechnique massacre with regard to this legislation. This massacre was a devastating event in Montreal in 1989, where 25 year old Marc Lépine shot 28 people, specifically targeting women before killing himself. He was armed with a Mini-14 rifle, a long gun, which was legally obtained. Let me repeat that: It was legally obtained.

The fact that this gun was legally obtained did not change the fact that Marc Lépine was a misogynist and a violent criminal. It was he who brutally shot and murdered 14 innocent women. Instead of creating this wasteful, ineffective registry, the Liberal government should have been creating tougher penalties for violent criminals.

For several years running, Winnipeg has been the murder capital of Canada per capita. Further, in 2010, the rate of murder in Manitoba was the highest of all the provinces and territories. A lot of these violent criminals get recruited through gangs. Parm Gill, Member of Parliament for Brampton—Springdale, recently introduced in the other place Bill C-394, An Act to amend the Criminal Code and National Defence Act (criminal organization recruitment): This bill seeks to address the issue of innocent and vulnerable youth being actively targeted and recruited by criminal organizations. This legislation will provide the necessary tools for law enforcement officials and our justice system to hold these criminals accountable for their actions and will help to protect our youth.

Our Conservative government was given a strong, renewed mandate. We have successfully introduced and passed legislation that will fight crime and put away violent criminals. Our government will continue to focus our efforts on measures that can actually tackle crime and make our communities safer. As Minister of Public Safety Vic Toews recently stated:

... we have brought in mandatory minimum sentences for gun crimes and targeted those who engage in dangerous criminal activity such as drive-by shootings. We have also funded numerous programs through the national crime prevention strategy that helps stop gun crime before it happens. That is how we keep Canadians safe, through tough and effective laws and smart prevention programs, not through needlessly increasing red tape and targeting law-abiding Canadians.

The Liberals and the NDP have opposed our tough-on-crime legislation at every step of the way. The opposition logic of a criminal thinking, "Hey, I better register my firearm before I use it in the commission of a crime," is truly baffling. Yet, the long-gun registry treats law-abiding hunters, farmers and sport shooters as if they are criminals.

A very good friend of mine, together with his sons, in my hometown of Landmark, Manitoba, hunt every type of wild game, including deer, moose, elk, bears and wild turkeys, just to name a few. They do it in every season of the year using different types of firearms, including muzzle loaders, long guns, bow and arrow, as well as cross bows. They diligently practise safe gun use and storage. As well, they have taken all the necessary safety courses. They have rightfully been opposed to this registry since its conception in 1995. They will now have the freedom to use their guns safely without reprisal.

Bill C-19 does not change the fact that there is and still will be a requirement for all individuals to hold valid firearm licences, undergo police background checks and pass the Canadian firearms safety course in order to possess a firearm. Individuals will still continue to be required to register prohibited and restricted firearms such as handguns.

Honourable senators, I think we must address the real issue of firearms. Unsafe storage of firearms can lead to accidents and fatalities. Also, uneducated use of firearms is a problem that must be addressed.

In 2003, Statistics Canada reported that of the 526 victims of attempted murder that year across Canada, 82 per cent of the victims were injured with something other than a gun. Of the 93 attempted murder victims that year who were injured by firearms, 72 per cent were injured with handguns. Handguns fall under the category of prohibited and restricted firearms and will continue to with Bill C-19.

Further to this, only 29 per cent of the 548 murders committed in 2003 were with a firearm. Of that, only 6 per cent of the guns used were registered. The other 94 per cent were either unregistered or the government did not know the registration status as they were stolen property or the serial numbers had been removed. That, again, leads me to the question as to why we are treating law-abiding citizens, such as farmers and duck hunters who use long guns for legal purposes, as criminals.

Honourable senators, it is time to do the right thing and to end this \$2 billion ineffective, wasteful, Liberal boondoggle. I encourage all honourable senators to vote in favour of Bill C-19.

• (1930)

The Hon. the Acting Speaker: Are senators ready for the question?

Is it your pleasure, honourable senators, to adopt the motion?

Some Hon. Senators: No.

Some Hon. Senators: Yes.

The Hon. the Acting Speaker: Those in favour of the motion please say "yea."

Some Hon. Senators: Yea.

The Hon. the Acting Speaker: Those opposed to the motion please say "nay."

Some Hon. Senators: Nay.

The Hon. the Acting Speaker: In my opinion, the yeas have it.

And two honourable senators having risen:

The Hon. the Acting Speaker: Call in the senators. Do the whips have advice with regard to the bell?

Senator Munson: Under the *Rules of the Senate*, I wish to defer the vote.

The Hon. the Acting Speaker: The vote is deferred until tomorrow at 5:30 p.m.

FIRST NATIONS ELECTIONS BILL

THIRD READING—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Patterson, seconded by the Honourable Senator Ogilvie, for the third reading of Bill S-6, An Act respecting the election and term of office of chiefs and councillors of certain First Nations and the composition of council of those First Nations.

Hon. Lillian Eva Dyck: Honourable senators, I rise to speak to third reading of Bill S-6, An Act respecting the election and term of office of chiefs and councillors of certain First Nations and the composition of council of those First Nations.

Honourable senators, the sponsor of the bill pointed out its good points a few weeks ago, and I will not focus on those this evening. The critic of the bill spoke last week about some of the issues with respect to the process, and I do not want to say very much about that. I want to say that I believe that members of the committee did not get a chance to hear the arguments for some of the amendments that a small group of us discussed in a small committee meeting. I believe that that was a mistake. I think that we should have come together as a whole committee before clause-by-clause consideration of the bill in order to hear the reasoning behind the proposal of some of the amendments.

What I will do tonight is try to convince the members of the committee, as well as members opposite, as to why we should at least move one amendment, and that is to delete clause 3(1)(b) of the bill. That is basically the purpose of my speech tonight.

Bill S-6 was developed, at the request of the Assembly of Manitoba Chiefs and the Atlantic Policy Congress of First Nations Chiefs Secretariat, as opt-in legislation for First Nations who hold elections under the Indian Act. This bill does contain good provisions, which the sponsor of the bill talked about. I just mentioned that. I have absolutely no problems with the opt-in provisions of the bill. He did not, however, say much about the main problem with the bill, which is the inclusion of clause 3(1)(b). This clause allows the minister to order a First Nation to come under the provisions of the bill and thus have to conduct its elections according to the provisions of Bill S-6. In other words, if the minister has ruled that a band has had a protracted leadership dispute that has significantly compromised the governance of that First Nation, the minister can unilaterally change their system of governance to that outlined in Bill S-6. To make matters even worse, this forced conversion will apply not only to the 240 bands that hold Indian Act elections but also to the 341 bands that hold community custom code elections. Only the 36 First Nations who are self-governing are exempt from such ministerial intervention. Clearly clause 3(1)(b) has far-reaching, negative consequences for almost all bands.

Honourable senators, there are six reasons why clause 3(1)(b) should be deleted from the bill. First, all of the witnesses, except for the Department of Aboriginal Affairs and Northern Development, AAND, were opposed to this clause. Second, clause 3(1)(b) is unconstitutional. Third, clause 3(1)(b) significantly extends the powers of the minister to intervene in elections held under custom code and not just those held under Indian Act provisions. Fourth, there are better ways to intervene in protracted election disputes in First Nation communities. Fifth, there is the potential for this clause to be used inappropriately. Finally, sixth, deletion of clause 3(1)(b) is simply the right thing to do.

Honourable senators, I will deal with each of these reasons in more depth now. First, all of the witnesses, except for AAND, were opposed to this clause. Both of the regional First Nation organizations — the Assembly of Manitoba Chiefs and the Atlantic Policy Congress — who were the instigators of this legislation only asked for opt-in provisions. With regard to clause 3(1)(b), Grand Chief Nepinak of the Assembly of Manitoba Chiefs stated:

If I may, I would agree with a recommendation that 3(1)(b) and (c) be severed from the legislation. I agree with your characterization of these provisions to be reflective of a time that has come and gone, a paternalistic approach to management of the relationships within our communities.

Similarly, Mr. John Paul of the Atlantic Policy Congress stated that:

Imposing the will on a community externally has consequences. We have learned over the years that if anyone imposes their will upon communities, they are very negative about that kind of stuff.

Chief Jody Wilson-Raybould of the Assembly of First Nations stated:

Unfortunately, the power set out in subclauses 3(1)(b) and (c) of this proposed bill . . . is actually an example of an inappropriate use of federal legislation, an inappropriate use of federal legislation I referred to at the First Nation-Crown gathering. These provisions essentially give the minister the ability to impose core governance rules on a First Nation, which, if ever used, would be resented by that First Nation, would not be seen as legitimate in the eyes of that nation, and would probably add fuel to an already burning fire.

The witness from the Canadian Bar Association stated that the clause should:

. . . explicitly exclude First Nations with self-government agreements and First Nations that are currently operating under customary systems of governance, unless their consent is obtained in accordance with either their customary practices or, in the absence thereof, by a double majority vote.

The witnesses from the Assembly of First Nations, the Assembly of Manitoba Chiefs, and Chief Cook-Searson from Saskatchewan all thought that clause 3(1)(b) should be deleted

from the bill. The message was very clear: Delete clause 3(1)(b) because it is unacceptable practice in the 21st century and because, without excluding First Nations operating under custom code elections, the bill goes beyond the scope of opt-in legislation for First Nations under the Indian Act.

The second reason to delete clause 3(1)(b) is that it is unconstitutional. It was noted by the witness from the Canadian Bar Association that the application of clause 3(1)(b) to First Nations with customary systems of governance potentially infringes on constitutionally protected rights of self-governance. The witness stated:

Allowing the minister to prescribe a form of election for First Nations that currently operate in accordance with customary elections would represent a significant interference with protected rights of self-government.

Furthermore, the witness stated:

The broad discretion afforded to the minister to include participating First Nations could then impact on constitutionally protected rights and international legal principles.

In addition, while the government officials stated that the minister has ordered a new election only three times in First Nation elections in the last 10 years, and while they insisted that the minister would only do so in rare circumstances, such an action would be a continuation of archaic colonial practices and is completely contrary to the inherent right of First Nations to govern themselves.

Granting such legislative power to the minister of AAND is particularly troublesome coming right after the Crown-First Nation accord in January, where National Chief Atleo urged the government to “re-invigorate the original relationships that were based on mutual recognition, sharing, and trust” and reset the agenda.

• (1940)

The third reason to delete clause 3(1)(b) is that the minister will gain new powers over custom code First Nations through this clause. Under the Indian Act, the minister has the power to intervene in a First Nation election and order a new election for the “good governance” of the band, but this power is limited to the 240 First Nations who hold elections under section 74 of the Indian Act. If a First Nation operates under custom code, the minister cannot intervene unless asked to do so by the First Nation through the Custom Election Dispute Resolution Policy or by court order. However, under clause 3(1)(b) of Bill S-6, the minister will gain statutory authority to place First Nations who operate under custom election codes on the schedule of Bill S-6, and thus grant the minister the statutory authority to intervene in custom code election disputes without a request by the First Nation or without an order from a court.

There are 341 First Nations that operate under custom election codes. If Bill S-6 passes, the minister would be able to intervene in any protracted leadership disputes they may have, and such intervention would supersede the voluntary Custom Election Dispute Resolution Policy.

To reiterate this point, the minister will be able to order any of the 341 First Nations that hold custom election codes to conduct a Bill S-6 style election if he deems that there has been a protracted leadership dispute compromising its governance. This is a new power. He cannot do this at present unless he is asked to do so by the First Nation or by a court order.

In addition, the minister will be able to order any of the 200 First Nations under the Indian Act to come under the provisions of the bill rather than opt in. Currently the minister can only order them to hold an Indian Act election.

The fourth reason to delete clause 3(1)(b) is that there are better ways to intervene in prolonged election disputes. AANDC witnesses stated it was necessary to order such First Nations to hold Bill S-6 type elections because in Indian Act elections there are no provisions defining election offences or setting penalties for such offences. However, this could be remedied simply by amending the Indian Act to contain the same provisions as in Bill S-6 that outline the offences and penalties. If the minister then orders an Indian Act election for a First Nation that operates under custom code, the Indian Act election would have the same offences and penalties as under Bill S-6.

Furthermore, witnesses stated that the vast majority of election problems occur with those First Nations that conduct Indian Act elections; amending the Indian Act would seem to be a good strategy to prevent these from occurring. The insistence of AANDC on retaining clause 3(1)(b) as is gives one the distinct impression that the department wants the power to intervene in custom code elections.

The fifth reason to delete clause 3(1)(b) is that there is no guarantee that the minister will not use clause 3(1)(b) inappropriately. The department argues that First Nations can trust the minister not to use this clause inappropriately because the minister of AANDC has intervened only three times in the past 10 years; however, there is no guarantee that this will hold true in the future. For example, as pressure mounts to increase natural resource development on or near First Nation land, there is great potential for significant dissension, and as First Nation communities, provincial governments and private sector organizations try to negotiate agreements, there likely will be protracted leadership disputes in First Nation communities.

The federal government authorities are not neutral. The federal government has its own interests, which may well be at odds with those of a particular First Nation, and so it is possible that the minister may be inclined to order an election in hopes of finding First Nation leadership that will come to an agreement more quickly.

Finally, the sixth reason clause 3(1)(b) should be deleted is simple. It is just not the right thing to do in the 21st century. Despite all the considerable efforts of a First Nation community to develop their own custom code election provisions and even have them approved by the minister, the minister can still take back control of their election process through clause 3(1)(b) of Bill S-6. That just is not right.

Chief Wilson-Raybould stated:

Corruption and lack of accountability is highly exaggerated in our First Nation communities. To think that the imposition of an external government's piece of legislation

will solve those challenges is somewhat, in my respectful view, misguided.

Honourable senators, a lingering symptom of colonialism is the constant trivializing of the rights of First Nations peoples and the continuing unchallenged position of the Department of Aboriginal Affairs and Northern Development Canada and its minister as being the experts in knowing what is best for Aboriginal people. First Nations should not have to justify why they want to limit the power of the minister of AANDC over their own community custom elections.

Honourable senators, I ask you not to pass Bill S-6 as is, but to support an amendment to delete clause 3(1)(b) that grants the minister of AANDC the power to order a First Nation to come under the provisions of this bill rather than opt in. As I said previously, due to unexpected circumstances, I was not able to make the foregoing comments at a committee meeting, so I now ask the members of the Aboriginal Peoples Committee in particular to do what the First Nations witnesses —

The Hon. the Acting Speaker: Does the Honourable Senator Dyck need more time?

Senator Dyck: Five more minutes.

Hon. Senators: Agreed.

Senator Dyck: Thank you.

I now ask the members of the Aboriginal Peoples Committee in particular to do what the First Nations witnesses and the Canadian Bar Association asked us to do, and that is to vote in favour of an amendment to delete clause 3(1)(b).

I will remind the committee members that in our report on First Nation elections, released in May 2010 and entitled *First Nations Elections: The Choice is Inherently Theirs*, we stated:

... any attempts by the department to regulate custom leadership processes, once in place, could constitute an unjust interference of those rights.

Clause 3(1)(b) is such an attempt by the department to regulate custom leadership processes. If we, as members of the committee, do not vote to delete this clause, we would be contradicting ourselves. Furthermore, in our report we recommended that the department commit the resources and work collaboratively with Indian Act bands to help them convert to or update their custom code elections — in other words, move to a better election system. In other words, rather than allowing the minister to force First Nations to change their election mode to conform to Bill S-6, the minister should be helping them convert to or update their custom code elections. That would be much more preferable.

Finally, in our report, we recommended that a First Nations electoral and appeals commission be established immediately. If this commission were set up, this would be a better way to deal

with protracted leadership disputes in First Nation communities and the minister would not feel that he somehow had to control what was going on in Indian elections.

Honourable senators, if we do not delete clause 3(1)(b) we will be contributing to the chipping away of First Nation rights. If we do not delete clause 3(1)(b) we will be like accomplices in a crime — the crime of doing nothing when we know that we have the power to stop something wrong from happening.

Though Bill S-6 is marketed as optional, that is, an individual First Nation may choose to opt in, the reality is if this bill passes with clause 3(1)(b) the minister will have the power to add any First Nation having a protracted leadership dispute to come under the provisions of this bill without their consent.

Honourable senators, please let us do the right thing, let us do the honourable thing: Let us pass an amendment to delete clause 3(1)(b). I outlined six reasons why we should do this. First Nations deserve our support in amending Bill S-6 to delete clause 3(1)(b). Please, honour their request.

• (1950)

MOTION IN AMENDMENT

Hon. Lillian Eva Dyck: Honourable senators, therefore, I move that Bill S-6 be not now read the third time but that it be amended as follows:

(a) on page 3, in clause 3,

(i) by deleting lines 1 to 3;

(ii) by replacing lines 4 to 9 with the following:

“ (b) the Governor in Council has set aside an election of the Chief and councillors of that First Nation under section 79 of the *Indian Act* on a report of the Minister that there was corrupt practice in connection with that election.”; and

(b) on page 4, in clause 5, by replacing lines 4 to 7 with the following:

“ (b) in the case of a First Nation whose name is added to the schedule under paragraph 3(1)(b), six months after the day on which the order is made.”.

(On motion of Senator Carignan, debate adjourned to the next sitting of the Senate.)

SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY

BUDGET—STUDY ON THE PROGRESS IN IMPLEMENTING THE 2004 10-YEAR PLAN TO STRENGTHEN HEALTH CARE— EIGHTH REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the eighth report of the Standing Senate Committee on Social Affairs, Science and Technology, (budget—study on the 2004, 10 year plan to strengthen health care), presented in the Senate on April 2, 2012.

Hon. Kelvin Kenneth Ogilvie moved the adoption of the report.

Hon. Joan Fraser: Honourable senators, I urge Senator Ogilvie to tell us a little more about this report, please.

Senator Ogilvie: Honourable senators, this is a budget of the committee with regard to the presentation of the study on the 2004 10-year health accord. It deals with the development of an executive summary and a special publication that will be roughly 12 pages long and will save the Senate nearly 200 pages in publication.

Senator Fraser: It sounds good.

The Hon. the Acting Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

(Motion agreed to and report adopted.)

BUDGET AND AUTHORIZATION TO ENGAGE SERVICES—STUDY ON SOCIAL INCLUSION AND COHESION— NINTH REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the ninth report of the Standing Senate Committee on Social Affairs, Science and Technology, (budget—study on social inclusion and cohesion in Canada—power to hire staff), presented in the Senate on April 2, 2012.

Hon. Kelvin Kenneth Ogilvie moved the adoption of the report.

Hon. Art Eggleton: Honourable senators, I have not seen the report and I have a question that also applies to the next report. Are there any substantive changes from what was requested by the committee?

Senator Ogilvie: No.

Hon. Joan Fraser: For the benefit of honourable senators who were not part of those deliberations, could Senator Ogilvie tell us more about what is involved? It sounds like an extremely interesting study, but it could also be extremely expensive.

Senator Ogilvie: Honourable senators, I was waiting to get the chance to speak to this report. This report is on the study of social inclusion under way at the committee. Senator Eggleton has been largely responsible for moving this through the Senate. The report is nearly complete. The budget of \$21,500 had been approved and deals with exactly the same issue that I mentioned before: the publication of an executive summary that saves the Senate a substantial number of pages in publication.

The Hon. the Acting Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

(Motion agreed to and report adopted.)

BUDGET AND AUTHORIZATION
TO ENGAGE SERVICES—STUDY ON PRESCRIPTION
PHARMACEUTICALS—
TENTH REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the tenth report of the Standing Senate Committee on Social Affairs, Science and Technology, (budget—study on prescription pharmaceuticals in Canada—power to hire staff), presented in the Senate on April 2, 2012.

Hon. Kelvin Kenneth Ogilvie moved the adoption of the report.

He said: Honourable senators, the report represents exactly the same kind of publication budget but for two reports on two consecutive studies that are now under way and anticipated to be completed in this budget year on the pharmaceutical study. The first study is under way on the clinical trials; and the second study, which we hope to commence in the fall, will deal with the post-approval surveillance. The report refers to the publication of exactly the same kind of study and the same order of funds.

Senator Fraser: Is that all?

Senator Ogilvie: That is the total. There are no extraneous materials; and there is no travel involved or anything other than what I have described.

The Hon. the Acting Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

(Motion agreed to and report adopted.)

[*Translation*]

BUSINESS OF THE SENATE

Hon. Claude Carignan (Deputy Leader of the Government): Honourable senators, I would like to make a clarification concerning the rules. After the request for a vote on Bill C-19, we continued the debate and we all agreed not to see the clock. However, I do not believe that anything was said to that effect.

Rule 39(5)(c) states that we would ordinarily interrupt the debate after the vote on Bill C-19. However, given that we were caught up in our work as senators, we continued without seeing the clock. Therefore, I would like to ensure that we have agreement not to see the clock to ensure that the proceedings are valid.

The Hon. the Acting Speaker: Honourable senators, I do not believe that this consent is even necessary because the rules state that we do not see the clock and that debate continues.

Senator Carignan: I do not wish to debate this point, but rule 39(5)(c) does not seem to say the same thing.

• (2000)

The Hon. the Acting Speaker: It is like wearing a belt and a pair of suspenders to make sure that your pants do not fall down.

Is it agreed, honourable senators, that we not see the clock?

Hon. Senators: Agreed.

The Hon. the Acting Speaker: All honourable senators agreed not to see the clock.

[*English*]

To reassure honourable senators that we carefully follow the rules, we are quite strict in our application of them. Rule 39(5)(c) states exactly that.

Senator Carignan: Exactly.

[*Translation*]

Hon. Claudette Tardif (Deputy Leader of the Opposition): Your Honour, may I ask for a clarification? In your comments, you indicated that rule 39(5)(c) states exactly that. What do you mean by “that”?

The Hon. the Acting Speaker: My notes say that there was to be no break for dinner and so we continued. We did not see the clock because the rules indicate that we do not see the clock. There was no break for dinner.

Senator Carignan: What the rules say is that, at the end, when the allotted time has expired, we should, according to our interpretation of the rules, interrupt the sitting. The rule states:

when the Senate would otherwise take its dinner hour interruption in accordance with the provisions of rule 13, the sitting shall not be interrupted until the debate is concluded, or the time provided for the consideration of the Order of the Day has expired. . .

This suggests that when the debate is concluded, we should interrupt the sitting for a dinner break; however, since we did not see the clock and we confirmed that we did not see the clock, I think that everything is clear now.

The Hon. the Acting Speaker: Is everything clear, honourable senators?

Hon. Senators: Agreed.

[*English*]

NATIONAL FINANCE

BUDGET—STUDY ON POTENTIAL REASONS
FOR PRICE DISCREPANCIES OF CERTAIN GOODS
BETWEEN CANADA AND UNITED STATES—
NINTH REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the ninth report of the Standing Senate Committee on National Finance, (budget—study on the potential reasons for price discrepancies in respect of certain goods between Canada and the United States), presented in the Senate on April 2, 2012.

Hon. Joseph A. Day moved the adoption of the report.

He said: Honourable senators, following the tradition that we seemed to have established with respect to these matters, this is the budget for a special study of the Standing Senate Committee on National Finance dealing with cross-border discrepancies in pricing. It is for an amount of \$49,700, primarily involved in travel to a border location to investigate this matter.

The Hon. the Acting Speaker: Are honourable senators ready for the question?

Hon. Senators: Question!

The Hon. the Acting Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

(Motion agreed to and report adopted.)

INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION

NINTH REPORT OF COMMITTEE— DEBATE ADJOURNED

The Senate proceeded to consideration of the ninth report of the Standing Committee on Internal Economy, Budgets and Administration (committee budgets—legislation), presented in the Senate on March 29, 2012.

Hon. David Tkachuk moved the adoption of the report.

[Translation]

Hon. Claude Carignan (Deputy Leader of the Government): Honourable senators, there are some points we would like to delve into regarding the committee's report. With your permission, we would prefer that the adoption of the report stand until tomorrow.

The Hon. the Acting Speaker: Before we begin this portion of the debate, I would like to propose the motion and then I will give the honourable senator the floor.

[English]

Senator Tkachuk: Honourable senators, I did move that the report be adopted, but I would now ask to move the adjournment.

(On motion of Senator Tkachuk, debate adjourned.)

ENERGY, THE ENVIRONMENT AND NATURAL RESOURCES

BUDGET—STUDY ON CURRENT STATE AND FUTURE OF ENERGY SECTOR—THIRD REPORT OF COMMITTEE—DEBATE ADJOURNED

The Senate proceeded to consideration of the third report of the Standing Senate Committee on Energy, the Environment and Natural Resources (budget—study on the energy sector), presented in the Senate on March 29, 2012.

Hon. Grant Mitchell moved the adoption of the report.

He said: Honourable senators, this budget will allow us to complete our study, which will be done no later than the middle of July. It will probably be published by the end of June. For many reasons, it is time. We have done an in-depth, extensive, and very rewarding study. Unfortunately, Senator Angus will be leaving by the middle of July when his retirement age is met. In honour of him, yes, but more importantly because we need his expertise to assist us in completing this before he goes.

[Translation]

Hon. Claude Carignan (Deputy Leader of the Government): Honourable senators, Senator Mitchell is claiming some professional fees in his report. Could the senator give us further details about those amounts, the terms he would like to present or give? Were any choices made? How were the estimates done? I would like further details.

[English]

Senator Mitchell: Honourable senators, there are several areas of expertise that we have solicited. First, to help us with writing. This report spans a great deal of information: three years of 250-plus witnesses, with very complex issues from diverse regions. While we have two excellent researchers — one who is writing now — we felt we needed somebody to help us bring all of this together, so we enlisted the help of a very prominent business person in the energy industry from Calgary, Peter Tertzakian. He is a prominent energy investor with a prominent energy investor company, but he is noted for two very well-read books on the energy industry. He has a mind that has already helped us organize all this information and start the writing process. He is doing this for \$1, so there is essentially no cost in that. He has offered to do that for us.

In the process of writing this report, we want to isolate some things, as the basic document will be quite long and detailed. This was a suggestion of Senator Neufeld who did this as energy minister in a comparable kind of study in B.C., where he distilled out 35 pages that were very tight and well written. We felt that we needed somebody who could write that very effectively. Mr. Tertzakian works with a writer who has extensive experience with oil and energy magazines in the oil sector, knows how to write and understands the issues. We felt that was a reasonable expense, and that is \$20,000.

We also need to express this and explain this very clearly, and to have a snappy presentation because it is so complex. We started with the process of education. There are so many different ideas and different understandings and misunderstandings across the country that one of the basic reasons for us undertaking this study was to explain it to Canadians.

To take all this data, to distill it to 35 pages — and the 35 pages will be electronic, so we will do very little publishing with this — and then to present it in a way that is easily described, easily captured in people's minds and interesting, we felt we needed some better resources, such as for graphic artists. We ran that by the subcommittee and got a positive response.

• (2010)

We feel that this is very necessary; that this will be an excellent report, widely read, widely understood; that it will advance the debate and the discussion of this important policy area; that it has been demanded by many, many sectors, industry and otherwise, in this country; and that there be a solid look at energy strategy for Canada.

[Translation]

Senator Carignan: Considering Senator Mitchell's response, I would like to do some additional verification. I therefore wish to adjourn the debate in my name.

(On motion of Senator Carignan, debate adjourned.)

[English]

TRANSPORT AND COMMUNICATIONS

BUDGET—STUDY ON EMERGING ISSUES RELATED TO CANADIAN AIRLINE INDUSTRY— FOURTH REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the fourth report of the Standing Senate Committee on Transport and Communications (budget—study on emerging issues related to the Canadian airline industry), presented in the Senate on March 29, 2012.

Hon. Stephen Greene moved the adoption of the report.

He said: Honourable senators, we need a small amount of money, \$44,000, to complete our report. This particular part of the report deals with the issue of cross-border shopping, particularly the amount to which Canadians seek air travel from U.S. cities along the border. I note that we are requesting just \$44,000, which is \$5,000 less than the Finance Committee's crossborder shopping study. We also promise not to do any cross-border shopping ourselves when we are over there.

The Hon. the Acting Speaker: Are honourable senators ready for the question?

An Hon. Senator: Question.

The Hon. the Acting Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

(Motion agreed to and report adopted.)

STUDY ON NATIONAL SECURITY AND DEFENCE POLICIES, PRACTICES, CIRCUMSTANCES AND CAPABILITIES

FOURTH REPORT OF NATIONAL SECURITY AND DEFENCE COMMITTEE ADOPTED

On the Order:

Resuming debate on the motion of the Honourable Senator Wallin, seconded by the Honourable Senator Lang, for the adoption of the fourth report (interim) of the

Standing Senate Committee on National Security and Defence, entitled: *Answering the Call: The Future role of Canada's Primary Reserve*, tabled in the Senate on December 15, 2011.

Hon. Joseph A. Day: Honourable senators, this matter has been adjourned in my name for 10 days now. I know that the committee is anxious that it move along. I thank honourable senators for their indulgence while I was preoccupied with finance matters.

I can be fairly brief in my comments with respect to this particular report.

When the report went through the committee, I abstained; I did not vote for the report. The report is a report of National Security and Defence relating to reserves, entitled *Answering the Call: The Future role of Canada's Primary Reserves*.

Honourable senators, the matter of reserves has been of considerable interest, and I could say importance, to National Security and Defence for the last 10 years that I have served on this committee. A number of our former colleagues, including Senators Forrestall and Wiebe, were on that committee and took a great deal of interest with respect to the reserves every time we travelled anywhere.

I wanted to ensure that the report reflected the work we had done in the past, and I had that knowledge from the previous reports, but the problem was that the committee was trying to get this report through before Christmas last year. The first time I saw the report in its entirety was the day we wanted to vote on it. I was concerned we were being asked to do that and that was the primary reason for my abstention.

There were various iterations of earlier drafts of the report in one official language or the other and I felt, not as a member of steering committee and not particularly on the executive of that committee, that I would wait for the report to be dealt with at committee rather than reviewing a copy at the committee from one of my colleagues who might have obtained a copy in one official language.

That was the reason; it was on principle that I did not see it until the day that it was finally brought together and in both official languages, and I said I needed some time. They said this is the last time for a meeting and, not wishing to hold it up, I abstained from voting on it.

I have since had an opportunity to review the report. I can tell honourable senators that it is a good report and I would recommend taking the opportunity to look at this report on the primary reserves. It is an interim report. There is a lot more work to be done in relation to reserves. It is an ongoing issue with respect to the committee. I fully expect that we will have an opportunity to revisit this subject and expand on the subject matter that is in that report in due course.

The Hon. the Acting Speaker: Are honourable senators ready for the question?

[Senator Mitchell]

Some Hon. Senators: Question.

The Hon. the Acting Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

(Motion agreed to and report adopted.)

**MENTAL HEALTH, ILLNESS
AND ADDICTION SERVICES IN CANADA**

INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Hubley, calling the attention of the Senate to the 5th anniversary of the tabling of the Standing Senate Committee on Social Affairs, Science and Technology's report: *Out of the Shadows at Last: Transforming Mental Health, Mental Illness and Addiction Services in Canada*.

Hon. Elizabeth Hubley: Honourable senators, Senator Callbeck is wishing to speak to this inquiry. She will be the next speaker on the inquiry. I would like to adjourn this inquiry in Senator Callbeck's name for the remainder of the time, please.

The Hon. the Acting Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

(On motion of Senator Hubley, for Senator Callbeck, debate adjourned.)

ANTI-TERRORISM

**SPECIAL COMMITTEE AUTHORIZED
TO REFER PAPERS AND EVIDENCE FROM RELATED
SPECIAL COMMITTEES OF PREVIOUS SESSIONS
TO CURRENT SESSION**

Hon. Hugh Segal, pursuant to notice of April 2, 2012, moved:

That the papers and evidence received and taken, and work accomplished by the Special Senate Committee on Bill C-36 during the First Session of the Thirty-Seventh Parliament; by the Special Senate Committee on the Anti-Terrorism Act during the First Session of the Thirty-Eighth Parliament and the First Session of the Thirty-Ninth Parliament; and by the Special Senate Committee on Anti-Terrorism during the Second Session of the Thirty-Ninth Parliament and the Third Session of the Fortieth Parliament, be referred to the Special Senate Committee on Anti-Terrorism for the purposes of its work during the current session.

He said: Honourable senators, I merely explain that the reason for this motion is so that the present Special Committee on Anti-Terrorism can have all the documentation that was used by previous versions of the committee in order that we can conduct our affairs in a manner that is well informed by prior work and research without having to duplicate in any way.

The Hon. the Acting Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

(Motion agreed to.)

(The Senate adjourned until Wednesday, April 4, 2012, at 1:30 p.m.)

CONTENTS

Tuesday, April 3, 2012

	PAGE		PAGE
SENATORS' STATEMENTS			
Ms. Betty Howatt			
Hon. Catherine S. Callbeck	1560	Hon. Jane Cordy	1564
First Nations Education and Learning		Hon. James S. Cowan	1565
Hon. Gerry St. Germain	1560	Hon. David P. Smith	1566
International Day for Mine Awareness		Hon. Robert W. Peterson	1566
Hon. Elizabeth Hubley	1561	Environment	
Visitors in the Gallery		Oil Sands Regulations.	
The Hon. the Acting Speaker	1561	Hon. Grant Mitchell	1566
		Hon. Marjory LeBreton	1566
<hr/>			
ROUTINE PROCEEDINGS			
Canadian Human Rights Tribunal		Finance	
2011 Annual Report Tabled	1561	Hiring Credit for Small Business.	
Auditor General		Hon. Catherine S. Callbeck	1567
2012 Spring Report Tabled	1561	Hon. Marjory LeBreton	1567
Agriculture and Forestry		Funding for Katimavik.	
Budget and Authorization to Engage Services and Travel—		Hon. Rose-Marie Losier-Cool	1567
Study on Research and Innovation Efforts in Agricultural Sector—		Hon. Marjory LeBreton	1567
Sixth Report of Committee Presented.			
Hon. Percy Mockler	1561	<hr/>	
Study on the Establishment of a “Charter of the Commonwealth”		ORDERS OF THE DAY	
Third Report of Foreign Affairs and International Trade		Business of the Senate	
Committee Tabled.		Hon. Gerald J. Comeau	1568
Hon. A. Raynell Andreychuk	1562	Distinguished Visitor in the Gallery	
National Security and Defence		The Hon. the Acting Speaker	1568
Budget and Authorization to Travel—Study on State of Defence		Criminal Code	
and Security Relations with the United States—		Firearms Act (Bill C-19)	
Fifth Report of Committee Presented.		Bill to Amend—Allotment of Time for Debate—Motion Adopted.	
Hon. Pamela Wallin	1562	Hon. Gerald J. Comeau	1568
Budget—Study on Services and Benefits for Members and		Hon. Claude Carignan	1568
Veterans of Armed Forces and Current and Former Members		Hon. James S. Cowan	1568
of the RCMP, Commemorative Activities and Charter—		Hon. Claudette Tardif	1569
Sixth Report of Committee Presented.		Hon. Joan Fraser	1571
Hon. Pamela Wallin	1562	Hon. Grant Mitchell	1571
Canada-China Legislative Association		Hon. Lillian Eva Dyck	1573
Canada-Japan Inter-Parliamentary Group		Hon. Fernand Robichaud	1573
Annual Meeting of the Asia-Pacific Parliamentary Forum,		Hon. Jean-Claude Rivest	1574
January 8-12, 2012—Report Tabled.		Hon. Jane Cordy	1574
Hon. Donald Neil Plett	1562	Hon. Maria Chaput	1575
Energy, the Environment and Natural Resources		Third Reading—Vote Deferred.	
Committee Authorized to Meet During Sitting of the Senate.		Hon. Céline Hervieux-Payette	1576
Hon. W. David Angus	1563	Hon. Pierre-Hugues Boisvenu	1581
Hon. Claudette Tardif	1563	Hon. Art Eggleton	1584
		Hon. Vernon White	1586
<hr/>			
QUESTION PERIOD			
National Defence		Hon. Maria Chaput	1587
F-35 Aircraft Purchase.		Hon. Claude Carignan	1588
Hon. Wilfred P. Moore	1563	Hon. Joan Fraser	1590
Hon. Marjory LeBreton	1563	Hon. Donald Neil Plett	1593
		First Nations Elections Bill (Bill S-6)	
		Third Reading—Debate Continued.	
		Hon. Lillian Eva Dyck	1594
		Motion in Amendment.	
		Hon. Lillian Eva Dyck	1597
		Social Affairs, Science and Technology	
		Budget—Study on the Progress in Implementing	
		the 2004 10-Year Plan to Strengthen Health Care—	
		Eighth Report of Committee Adopted.	
		Hon. Kelvin Kenneth Ogilvie	1597
		Hon. Joan Fraser	1597

	PAGE
Budget and Authorization to Engage Services— Study on Social Inclusion and Cohesion— Ninth Report of Committee Adopted.	
Hon. Kelvin Kenneth Ogilvie	1597
Hon. Art Eggleton	1597
Hon. Joan Fraser	1597
Budget and Authorization to Engage Services— Study on Prescription Pharmaceuticals— Tenth Report of Committee Adopted.	
Hon. Kelvin Kenneth Ogilvie	1598
Business of the Senate	
Hon. Claude Carignan	1598
The Hon. the Acting Speaker	1598
Hon. Claudette Tardif	1598
National Finance	
Budget—Study on Potential Reasons for Price Discrepancies of Certain Goods between Canada and United States— Ninth Report of Committee Adopted.	
Hon. Joseph A. Day	1599
Internal Economy, Budgets and Administration	
Ninth Report of Committee—Debate Adjourned.	
Hon. David Tkachuk	1599
Hon. Claude Carignan	1599

	PAGE
Energy, the Environment and Natural Resources	
Budget—Study on Current State and Future of Energy Sector— Third Report of Committee—Debate Adjourned.	
Hon. Grant Mitchell	1599
Hon. Claude Carignan	1599
Transport and Communications	
Budget—Study on Emerging Issues Related to Canadian Airline Industry—Fourth Report of Committee Adopted.	
Hon. Stephen Greene	1600
Study on National Security and Defence Policies, Practices, Circumstances and Capabilities	
Fourth Report of National Security and Defence Committee Adopted.	
Hon. Joseph A. Day	1600
Mental Health, Illness and Addiction Services in Canada	
Inquiry—Debate Continued.	
Hon. Elizabeth Hubley	1601
Anti-terrorism	
Special Committee Authorized to Refer Papers and Evidence from Related Special Committees of Previous Sessions to Current Session.	
Hon. Hugh Segal	1601



If undelivered, return COVER ONLY to:
Public Works and Government Services Canada
Publishing and Depository Services
Ottawa, Ontario K1A 0S5



SENATE



SÉNAT

CANADA

DEBATES OF THE SENATE

1st SESSION

• 41st PARLIAMENT •

VOLUME 148

• NUMBER 68

OFFICIAL REPORT
(HANSARD)

Wednesday, April 4, 2012



THE HONOURABLE PIERRE CLAUDE NOLIN
ACTING SPEAKER

CONTENTS

(Daily index of proceedings appears at back of this issue).

Debates Services: D'Arcy McPherson, National Press Building, Room 906, Tel. 613-995-5756
Publications Centre: David Reeves, National Press Building, Room 926, Tel. 613-947-0609

Published by the Senate
Available from PWGSC – Publishing and Depository Services, Ottawa, Ontario K1A 0S5.
Also available on the Internet: <http://www.parl.gc.ca>

THE SENATE

Wednesday, April 4, 2012

The Senate met at 1:30 p.m., the Honourable Pierre Claude Nolin, Acting Speaker, in the Chair.

Prayers.

[Translation]

SENATORS' STATEMENTS

INTERNATIONAL DAY OF MINE AWARENESS AND ASSISTANCE IN MINE ACTION

Hon. Suzanne Fortin-Duplessis: Honourable senators, the International Day of Mine Awareness and Assistance in Mine Action is a timely reminder that clearing land of explosive remnants of war saves lives and protects livelihoods.

Around the world, between 15,000 and 30,000 people are maimed or killed every year by anti-personnel mines and other explosive remnants of war. That is an average of 500 victims every week or one person every 20 minutes.

Over the past 25 years, anti-personnel mines may have killed or maimed over a million people. It would take 1,000 years to rid the planet of existing land mines, and that is only if people stop deploying them.

Over 40 countries and territories are still littered with mines. In addition to the terrible suffering that mines inflict on victims, this scourge is a major obstacle to countries' socio-economic development because mines prevent the agricultural use of land and restrict the movement of people and goods long after conflicts end.

Canada played a crucial part in creating the treaty known as the Ottawa Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction. The purpose of this international agreement is to address the appalling situation facing people who have survived armed conflict only to become victims of land mines that remain buried after the conflict. By signing the treaty, Canada declared its intention to help reduce the number of land mine victims, pursue disarmament, work toward achieving the millennium development goals, and strengthen international and humanitarian law.

The fight against land mines is a deeply personal one for me. My family suffered terribly in January 2003 when my son, Claude, who was on contract in Algeria, stepped on an anti-personnel mine. One of his legs was amputated, and the other was saved, but barely. That is why I empathize with the sorrow endured by victims' families and understand the courage and determination they need to survive the ordeal. Claude was 39 when the accident happened. He is married with three children, one of whom was a nine-month-old baby at the time.

In closing, on this International Day of Mine Awareness and Assistance in Mine Action, the Government of Canada is reaffirming its commitment to the fight against anti-personnel mines and other explosive remnants of war.

[English]

TARTAN DAY

Hon Elizabeth Hubley: Honourable senators, on April 6, Canada will celebrate Tartan Day, and I encourage all Canadians to participate by wearing Canada's official national tartan, the Maple Leaf Tartan.

The Maple Leaf Tartan is a symbol of Canadian identity that we can all embrace and wear with pride. It was designed by David Weiser in 1964 in anticipation of Canada's upcoming centenary in 1967, and its patriotic pattern takes its inspiration from the seasonal colours of the maple leaf. The tartan's green shades represent the summer foliage: the gold early autumn, the red the coming of the first frost and the brown the fallen leaves. The colours combine to make a beautiful tartan that is neither brash nor boring but perfectly Canadian.

This will be our second national Tartan Day since its declaration in October 2010. The sixth of April is significant because it was on this day in the year 1320 that the Scottish people declared their independence through the Declaration of Arbroath. For the almost five million Canadians who claim Scottish descent, Tartan Day is an opportunity to celebrate their heritage by wearing their tartan of choice. I am so pleased that that choice now includes the option to wear the national tartan of Canada.

I wish everyone a happy Tartan Day and hope to see plenty of Canadians out wearing the Maple Leaf Tartan with pride.

CANADIAN HOSPICE PALLIATIVE CARE ASSOCIATION

Hon. Michael L. MacDonald: Honourable senators, I rise today to acknowledge the important issue of advanced care planning. I am a member of the Champion's Council of the Canadian Hospice Palliative Care Association, the national voice for hospice palliative care in Canada. Established in 1991, the CHPCA provides direction in advancing and advocating for quality end-of-life hospice palliative care. The work of the association's volunteer board of directors, which is composed of hospice palliative care workers and volunteers from Canadian provinces and territories, as well as members at large, focuses on public policy education and awareness.

• (1340)

As a member of the Champion's Council, I support the CHPCA's goal to ensure that those Canadians who have a progressive, life-limiting illness and their families have access to high-quality, compassionate and cost-effective care from a variety of professionals.

Honourable senators may be wondering: What does "advance care planning" really mean, or what exactly does it entail? It is a process of reflection and communication — a time for you to

reflect on your values and wishes and to let others know of your future health and personal care preferences in the event that you become incapable of consenting to or refusing treatment or other care. Advance care planning means having discussions with family and friends, especially your substitute decision maker — the person who will speak for you if you cannot. It could also include writing down your wishes and may even involve talking with health care providers and financial and legal professionals.

I am committed to helping the Canadian Hospice Palliative Care Association succeed in its pursuit of excellence and care for persons approaching end of life, so that the burden of suffering, loneliness and grief is lessened. To this end, I wholeheartedly support the CHPCA's mission to declare April 16 as Canada's national advance care planning day — a date that would be shared with the U.S. National Healthcare Decisions Day.

In support of this undertaking, I would like to give the following proclamation:

WHEREAS more than 235,000 Canadians die every year and the rate of death is projected to increase 33 per cent by the year 2020, and

WHEREAS an increasing demand for services at the end of life is placing additional pressure on health care cost budgets, and

WHEREAS Advance Care Planning is a process of thinking about and communicating wishes for end of life care, and involves communicating end of life care wishes with family, friends, and health professionals, as well as naming a Substitute Decision Maker, and

WHEREAS Canadians with Advance Care Plans and their caregivers report greater satisfaction with end of life care and are more likely to take advantage of hospice palliative care resources or die at home, and

WHEREAS I, Senator MacDonald, wish to raise awareness of the options available to citizens and encourage conversations about planning for end of life, and

NOW KNOW YE THAT I do by these presents support the proclamation and declaration that April 16, 2012, shall be known as “**Advance Care Planning Day**” in Canada.

I hope that honourable senators will join me in supporting the Canadian Hospice Palliative Care Association in this pursuit.

MR. PATRICK CHAN

2012 WORLD FIGURE SKATING CHAMPION

Hon. Vivienne Poy: Honourable senators, I rise today to congratulate Patrick Chan, an extraordinary Canadian and a Torontonion, on successfully defending his title and winning the world championship in men's free skating last Saturday in Nice, France. He is the first Canadian to win back-to-back world gold medals in 16 years. This accomplishment caps an unbeaten season

for Patrick. He also won Skate Canada; the Trophée Bompard, in Paris; the Four Continents; and the Grand Prix Final. He collected eight Athlete of the Year awards in Canada, including the Lionel Conacher Award as *The Canadian Press* male athlete of 2011.

Patrick Chan is only 21 years old. Over the last few years, he has honed his skills in preparation for the 2014 Winter Olympics in Sochi, Russia. He is a tremendous athlete who combines the grace of dance with speed, agility, strength and tremendous discipline. Patrick's achievements and his humility are an inspiration to all Canadians, but particularly those of Asian heritage, who see that anything is possible in Canada if they persevere.

Honourable senators, as we approach the month of May, which Canada recognizes as Asian Heritage Month, please join me in celebrating the achievements of one of Canada's greatest athletes, Patrick Chan.

**MS. JILLIAN KEILEY
MS. JENNIFER MONG**

Hon. Ethel Cochrane: Honourable senators, I rise today to highlight and to celebrate the recent accomplishments of two outstanding Newfoundlanders. Jillian Keiley, a native of St. John's, has been named the National Arts Centre's new Artistic Director of English Theatre. A veteran stage director and founder of the St. John's theatre company Artistic Fraud, she will begin her four-year term this summer in Ottawa. In announcing the appointment, NAC President and CEO, Peter Herrndorf, said:

Jillian Keiley is a brilliant theatrical artist who is rooted in Newfoundland, but also has a wonderful sense of the country. She's worked with artists and theatre organizations in every part of Canada, and we're thrilled she's chosen our national stage for the next chapter of her extraordinary career.

Honourable senators may recall that Ms. Keiley collaborated with Newfoundland playwright Robert Chafe to create *Tempting Providence*. This outstanding production explored the courage and strength of a famous outport nurse, Myra Bennett, who was one of the first British settlers in Newfoundland.

An award-winning director, Ms. Keiley has also been a regular instructor with the National Theatre School as well as at universities across the country. She has created productions in St. John's, Calgary, Toronto, Regina, Ireland, Australia and Italy. Her work has been praised for its originality and imagination. I applaud her outstanding talent and congratulate her on this very exciting new role.

Honourable senators, I would also like to congratulate Jennifer Mong, a 12-year-old from St. John's, who recently won the 2012 Postmedia Canspell National Spelling Bee. Jennifer, who is a

student at MacDonald Drive Junior High, won the Canadian title by correctly spelling the word “vindaloo.” She was awarded the prize of \$7,500, which, amazingly, this aspiring veterinarian plans to save for her education; and she is only 12. Jennifer is also expected to compete at the long-running Scripps National Spelling Bee in Washington next month.

I invite all honourable senators to join me in congratulating these two impressive Newfoundlanders on their exceptional accomplishments; and I wish them continued success.

PARKINSON'S AWARENESS MONTH

Hon. Terry M. Mercer: Honourable senators, April is Parkinson's Awareness Month. In Canada, over 100,000 people live with Parkinson's disease. In fact, it is one of the most common brain conditions in the world, second only to Alzheimer's disease. Parkinson's is a chronic and progressive disease that results in increasing disability. It impacts the lives of not only those who suffer from it but also their families and friends in every community across the country.

This year's theme is Get Ready, Get Set, Get Moving. As Parkinson's disease is a movement disorder, one of the best things one who suffers from it can do is to keep moving and striving to walk, dance or ride a bike. Research shows that physical activity improves strength, flexibility, balance and overall health. While this is true for all of us, it is especially true for those who suffer from the disease.

Honourable senators, there is hope. Over the past 30 years, Parkinson Society Canada has funded more than \$19.5 million in Parkinson's research, granting over 385 fellowships, grants and investigator awards. Also, they have adopted the World Health Organization's World Charter on Parkinson's disease. It states that people with Parkinson's have the right to be referred to a doctor with a special interest in Parkinson's, receive an accurate diagnosis, have access to support services, and receive continuous care and take part in managing the illness. I believe honourable senators will all agree with those principles, and not just for those with Parkinson's but for any type of disorder.

• (1350)

The aim of this month is to bring awareness of the disease to the forefront. Many honourable senators know that famous Canadians such as Michael J. Fox and Knowlton Nash suffer from Parkinson's. Yesterday, at a speech I attended in Vancouver, Wayne Gretzky announced that his father, Walter, was diagnosed with Parkinson's disease.

I encourage every honourable senator to think about every patient, their constituents who live with Parkinson's disease, and all the doctors, scientists, and volunteers who help to make the lives of those suffering with this disease much better. We must ensure that we, as parliamentarians, create and debate policies that help the sufferers, the helpers and, indeed, all Canadians to live the highest quality and most productive lives possible.

[Senator Cochrane]

MS. AUNG SAN SUU KYI

CONGRATULATIONS ON ELECTION VICTORY IN BURMA

Hon. Consiglio Di Nino: Honourable senators, this past Sunday democracy got a shot in the arm in Burma or, as the generals who run the country like to call it, Myanmar.

Aung San Suu Kyi, an honorary Canadian citizen, and her party won a resounding victory in the April 1, 2012 by-elections. Forty-five by-elections were held across the country and some 40 were won by “the Lady,” as she is sometimes called, and her colleagues from the National League for Democracy. Her landslide victory was loudly and happily celebrated across Burma. This stunning victory was truly meaningful, because the by-elections were called to fill vacancies created by the appointment of elected ruling party members to cabinet and other senior government posts. Their resignation is required under their constitution.

Parliamentary Secretary Deepak Obhrai and I, accompanied by First Secretary Amy Galigan from our Bangkok embassy, witnessed this historic event. This unexpected turn of events is at least in part due to President Thein Sein and the Speaker of Parliament joined by some of their colleagues in cabinet and Parliament. Their support for democratic change and constitutional amendments made it possible for Ms. Suu Kyi and her party to participate in these by-elections. Their victory gives them approximately 6 per cent of the seats in Parliament, but symbolically it represents a giant step toward restoring rights and freedoms in Burma.

The people of Burma are responding with guarded optimism. They well remember 1990 and the great victory won by Aung San Suu Kyi and her team. What followed is a sad reminder that not all respect the democratic voice of the people. The generals, who unleashed more than two decades of repression and denials of fundamental freedoms and inflicted much bloodshed on this beautiful land, are still there and they still have the guns. The hope is that yesterday will not be repeated.

Honourable senators, the signs indicate that this hope may be well founded. As we extend our warmest best wishes to all the people of Burma, let us also extend our friendship and solidarity.

ROUTINE PROCEEDINGS

FISHERIES AND OCEANS

BUDGET AND AUTHORIZATION TO ENGAGE SERVICES AND TRAVEL— STUDY ON LOBSTER FISHERY IN ATLANTIC CANADA AND QUEBEC—SIXTH REPORT OF COMMITTEE PRESENTED

Hon. Fabian Manning, Chair of the Standing Senate Committee on Fisheries and Oceans, presented the following report:

Wednesday, April 4, 2012

The Standing Senate Committee on Fisheries and Oceans has the honour to present its

SIXTH REPORT

Your Committee, which was authorized by the Senate on Thursday, March 8, 2012 to examine and report on the lobster fishery in Atlantic Canada and Quebec, respectfully requests funds for the fiscal year ending March 31, 2013, and requests, for the purpose of such study, that it be empowered:

- (a) to engage the services of such counsel, technical, clerical and other personnel as may be necessary;
- (b) to adjourn from place to place within Canada; and
- (c) to travel inside Canada.

Pursuant to Chapter 3:06, section 2(1)(c) of the *Senate Administrative Rules*, the budget submitted to the Standing Committee on Internal Economy, Budgets and Administration and the report thereon of that committee are appended to this report.

Respectfully submitted,

FABIAN MANNING
Chair

(For text of budget, see today's Journals of the Senate, Appendix, p. 1148.)

The Hon. the Acting Speaker: Honourable senators, when shall this report be taken into consideration?

(On motion of Senator Manning, report placed on the Orders of the Day for consideration at the next sitting of the Senate.)

CANADA-EUROPE PARLIAMENTARY ASSOCIATION

FIRST PART, 2012 ORDINARY SESSION OF
THE PARLIAMENTARY ASSEMBLY OF THE COUNCIL
OF EUROPE, JANUARY 23-27, 2012—REPORT TABLED

Hon. Consiglio Di Nino: Honourable senators, I have the honour to table, in both official languages, the report of the Canadian parliamentary delegation of the Canada-Europe Parliamentary Association on the First Part of the 2012 Ordinary Session of the Parliamentary Assembly of the Council of Europe, held in Strasbourg, France, from January 23 to 27, 2012.

COMMONWEALTH PARLIAMENTARY ASSOCIATION

PARLIAMENTARY CONFERENCE,
JULY 21-28, 2011—REPORT TABLED

Hon. David P. Smith: Honourable senators, I have the honour to table, in both official languages, the report of the Canadian parliamentary delegation of the Commonwealth Parliamentary

Association to the Fifty-seventh Commonwealth Parliamentary Conference, held in London, United Kingdom, from July 21 to 28, 2011.

INTERNATIONAL PARLIAMENTARY CONFERENCE
ON THE MILLENNIUM DEVELOPMENT GOALS,
NOVEMBER 28-DECEMBER 2, 2011—REPORT TABLED

Hon. David P. Smith: Honourable senators, I have the honour to table, in both official languages, the report of the Canadian parliamentary delegation of the Commonwealth Parliamentary Association to the International Parliamentary Conference on the Millennium Development Goals, held in London, United Kingdom, from November 28 to December 2, 2011.

ANNUAL INTERNATIONAL SEMINAR,
NOVEMBER 19-24, 2011—REPORT TABLED

Hon. David P. Smith: Honourable senators, I have the honour to table, in both official languages, the report of the Canadian parliamentary delegation of the Commonwealth Parliamentary Association regarding its Annual International Seminar, held in Delhi, Republic of India, from November 19 to 24, 2011.

CANADA-UNITED STATES INTER-PARLIAMENTARY GROUP

NATIONAL CONFERENCE OF STATE LEGISLATURES,
JULY 25-28, 2010—REPORT TABLED

Hon. Michael L. MacDonald: Honourable senators, I have the honour to table, in both official languages, the report of the Canadian parliamentary delegation of the Canada-United States Inter-Parliamentary Group respecting its participation at the National Conference of State Legislatures, held in Louisville, Kentucky, United States of America, from July 25 to 28, 2010.

• (1400)

ANNUAL CONFERENCE OF NEW ENGLAND
GOVERNORS AND EASTERN CANADIAN PREMIERS,
JULY 10-12, 2011—REPORT TABLED

Hon. Michael L. MacDonald: Honourable senators, I have the honour to table, in both official languages, the report of the Canadian parliamentary delegation of the Canada-United States Inter-Parliamentary Group respecting its participation at the Thirty-fifth Annual Conference of New England Governors and Eastern Canadian Premiers, held in Halifax, Nova Scotia, Canada, from July 10 to 12, 2011.

ANNUAL SUMMIT OF PACIFIC NORTHWEST
ECONOMIC REGION, JULY 19-22, 2011—
REPORT TABLED

Hon. Michael L. MacDonald: Honourable senators, I have the honour to table, in both official languages, the report of the Canadian parliamentary delegation of the Canada-United States Inter-Parliamentary Group respecting its participation at the Twenty-first Annual Summit of the Pacific Northwest Economic Region, held in Portland, Oregon, United States of America, from July 19 to 22, 2011.

THE SENATE

NOTICE OF MOTION TO URGE GOVERNMENT
TO MAKE SPORTING FACILITIES AVAILABLE
ONE DAY ANNUALLY AT A REDUCED
OR COMPLIMENTARY RATE

Hon. Nancy Greene Raine: Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That the Senate of Canada urge the Government of Canada to encourage local governments from coast to coast to coast to collaborate in choosing one day annually to make their health, recreational sports, and fitness facilities available to citizens at a reduced or complementary rate, with the goals of promoting the use of those facilities and improving the overall health and well-being of Canadians for the reasons that:

- (a) although Canada's mountains, oceans, lakes forests, and parks offer abundant opportunities for physical activities outdoors, an equally effective alternative opportunities to take part in physical activities is offered by indoor health, recreational sports, and fitness facilities
- (b) despite its capacity to be a healthy and fit nation, Canada is experiencing a decline in participation rates in physical activities, with this decline having a direct consequence to health and fitness;
- (c) local governments operate many public facilities that promote health and fitness, and those facilities could be better utilized by their citizenry;
- (d) there is a growing concern in Canada over the rise in chronic diseases, which are attributable, in part, to inactivity and in turn can cause other impediments to achieving and maintaining a healthy lifestyle;
- (e) health and fitness should be promoted and encouraged by all levels of government, to Canadians of all ages and abilities; and
- (f) we aspire to increase participation by Canadians in activities that promote health, recreational sports, and fitness.

ISSUE OF SUPPORT FOR THE VISUALLY IMPAIRED

NOTICE OF INQUIRY

Hon. Asha Seth: Honourable senators, I give notice that, two days hence:

I will call the attention of the Senate to the issue of support for the visually impaired.

QUESTION PERIOD

NATIONAL DEFENCE

F-35 AIRCRAFT PURCHASE

Hon. James S. Cowan (Leader of the Opposition): Honourable senators, my questions will be for the Leader of the Government in the Senate. From time to time, she accuses us on this side of putting words in her mouth or in the mouths of other people, so I want to be very careful and precise when giving certain quotations.

On Thursday, April 7, 2011, during the election campaign, Prime Minister Harper said that the reports of increased development costs for the fighter jet did not trouble him because "... the contract we've signed shelters us from any increase in those kinds of costs." He said "the contract we've signed." Yesterday, in the other place, he said, "... the government has not yet purchased this airplane. It has not signed a contract."

On April 7 he said "the contract we've signed." Yesterday he said, "It has not signed a contract."

My question is very simple: When did Prime Minister Harper find out that the Harper government had not, in fact, signed a contract?

Hon. Marjory LeBreton (Leader of the Government): I thank the honourable senator for the question. I mentioned yesterday that the Prime Minister did address this matter in answer to the question from the leader of the third party in the House of Commons. He made it very clear that he was referring to a memorandum of understanding.

It has not been a secret that the government has not signed a contract. The fact is our country does not pay any increase on the development cost. That is the arrangement. It is also a fact that we have provisioned in our budget funds for future aircraft and we are prepared to live within that budget.

That is basically what I have been saying all along. The Prime Minister made that very clear to the leader of the third party in the House of Commons on March 14.

Senator Cowan: The story now is that when the Prime Minister — this is the Prime Minister of Canada, the Prime Minister of the self-styled "Harper Government," his government — said "the contract we've signed," what he meant was a memorandum of understanding; is that what the leader is saying?

Senator LeBreton: We all know that this agreement was started 15 years ago. When we came into government in 2006, we were working with a process that was already in place, and it was a memorandum of understanding.

Senator Cowan: Just so I get this straight — I do not want to misrepresent what the leader is saying — the contract that Prime Minister Harper referred to on April 7 is the contract that led to the development of the aircraft in the early 2000s. Is that the contract that the leader is referring to?

Senator LeBreton: The Prime Minister made it very clear and I am making it very clear today, as I have in the past, that he was referring to a memorandum of understanding.

Senator Cowan: The leader agrees with me, then, that the Prime Minister misspoke, that he misled the Canadian people when he said that there was a contract.

The honourable leader is a senior member of this government and has been since its very beginning. She has been at the table, presumably, for all or most of the cabinet discussions with respect to this. When did she find out that what the Prime Minister said on April 7 was not true?

Senator LeBreton: Honourable senators, I never had any difficulty understanding what we were talking about. I always understood it to be an agreement that started 15 years ago, under the previous government. I think it is very clear that we were always dealing with the development of an aircraft that was well in progress when we formed the government.

Senator Cowan is quite right that I have been at the cabinet table for most of these discussions. It is very clear to me that we were always talking about a memorandum of understanding. It was always clear that we were dealing with an aircraft, the development of which had been entered into under the previous government. It was very clear to me, and I was not troubled by it.

Senator Cowan: The honourable senator knows full well that the consortium arrangement entered into in the early part of the last decade was not a commitment to purchase aircraft. It was a commitment to participate in the development of the aircraft. As the former deputy minister has made clear, the Government of Canada made an investment of \$100 million in that consortium. By mid-decade, by the time her government took over, that participation had resulted in a four-fold or five-fold return on investment in terms of the participation by Canadian defence contractors in the development of that airplane.

Without that investment made by the previous government — not made by this government — Canadian contractors would have been shut out of those development costs. The leader knew full well and I suggest that the government knew full well that when the Prime Minister was talking about “the contract we’ve signed,” any reasonable person would not say that he was really talking about a memorandum of understanding dealing with the development of an aircraft some 10 years earlier. That is too much to believe.

Senator LeBreton: Honourable senators, Senator Cowan is entitled to his opinion. I am entitled to disagree with him vehemently. Industry Canada, through the F-35 Secretariat announced yesterday, will continue identifying opportunities for Canadian industry to participate in the F-35 Joint Strike Fighter Global Supply Chain, as well as other potential benefits to Canada. Of course, this involves sustainment, testing and training, and we will provide updates to Parliament explaining the benefits.

• (1410)

However, at the end of the day, Canada will not sign a contract to purchase new aircraft until these steps are completed and development work is sufficiently advanced. As I said yesterday, Canada remains completely committed to ensuring that the Royal Canadian Air Force has the aircraft it needs to do the jobs we ask of them.

Senator Cowan: Does the leader know when the government received a draft copy of the Auditor General’s report?

Senator LeBreton: No, I do not.

Senator Cowan: Would the leader undertake to find out and report back as to when it was received? I ask the question because I understand it is common practice — and I am not suggesting anything wrong with this — for the Auditor General to provide to government, and perhaps to other officials, a copy of a draft report so that any factual errors can be corrected.

I would ask the leader to find out when it was that the government received a copy of the draft Auditor General’s report.

Senator LeBreton: Honourable senators, of course I will not divulge cabinet confidences. I can tell the honourable senator that I was briefed personally by the Auditor General the day before, as is always the case. I was briefed by him on Monday about the contents of the report and the Auditor General made his report public on Tuesday. This is standard practice. It has always been the case that the Auditor General briefs the Leader of the Government in the Senate, as I am sure he does other officials.

Again, honourable senators, I point out that I believe the Auditor General made a thorough assessment of the situation. The Auditor General has done exactly what the Auditor General is supposed to do, that is, point this out to government as they have a chance to look at all departments. I think the Auditor General has done an outstanding job here. We thank him very much and appreciate the work he has done. We fully accept all of his recommendations.

Senator Cowan: Honourable senators, my question was not when the leader received a briefing on the Auditor General’s report. My question was when the government received a copy of the Auditor General’s report. That is the question I asked.

Senator LeBreton: Honourable senators, I answered that question. There are certain provisions and certain confidences of cabinet, so I cannot make a commitment to the Honourable Senator Cowan. I do not believe it is a proper request, but I will take note of the request.

Senator Cowan: Honourable senators, whether the government received a copy of the report and when it received a copy of that report, I cannot understand what the cabinet confidence would be there. In any event, I will leave that to the leader.

Some months ago, honourable senators, the Parliamentary Budget Officer came up with his own estimate of the cost of this program. Of course, as is the practice of the government, they immediately attacked the messenger rather than the message. I ask

the leader again, as a senior member of the government, if it ever occurred to her, when she read the report of the Parliamentary Budget Officer, that perhaps he might be right and that the information that had been received from the officials — who are now going to wear this, apparently, on behalf of the government — might not be the full facts?

Did that ever occur to the leader? Did the penny ever drop? Did the light ever go on?

Senator LeBreton: Is that the penny that we are about to get rid of?

Honourable senators, there has been all kinds of speculation about the F-35. There have been reports from people who support it, from people who are against it, and from people who made claims about its sustainability. The fact of the matter is, when I heard the Parliamentary Budget Officer's report, I just added it to all the other voices that we have heard on both sides of the issue. Of course, I was always cognizant of the fact — and a study was done on this in *The Globe and Mail* — that the Parliamentary Budget Officer has been wrong more than he has been right.

Senator Cowan: The fact of the matter is — to use the leader's term — that he was right and you were wrong. His estimate has now been validated by the Auditor General.

Did it ever occur to the leader that she might not be getting the straight goods here and that the information that the Parliamentary Budget Officer had provided — and he had no axe to grind and no particular skin in the game on this situation; he was doing the best job he could with the information he had — might be right, as he has been proven to be right this time, that time and all the other times?

Senator LeBreton: Honourable senators, I answered that a few moments ago. When I saw what the Parliamentary Budget Officer had to say, I tended to discount it because he has a record of being wrong more often than he has been right.

Senator Cowan: When the leader read the reports of the congressional budget office that there were vast overruns in the U.S., honourable senators, did she put that in the same category?

Senator LeBreton: Honourable senators, I do not think that it is any of Senator Cowan's business what my inner most thoughts are.

Hon. Wilfred P. Moore: Honourable senators, I have been asking questions about this F-35 issue for probably a year. Members of the Liberal Party in the other place have been asking similar questions. We have not been getting answers. That is the reason why, in the other place, the government was found to be in contempt of Parliament: it did not provide answers on the F-35 and on other important economic issues of this country.

Today we just heard the answer from the Leader of the Government in the Senate. Our job here is to be Her Majesty's Loyal Opposition. We are entitled to ask these questions and we are entitled to get answers from the government. As far as I am

concerned, the leader and her colleagues in the other place are continuing that contempt. It is absolutely embarrassing, as a Canadian, not to be able to get answers from the people who are put in office.

Some Hon. Senators: Hear, hear!

Senator Moore: Honourable senators, let me tell you that on November 18 —

An Hon. Senator: Question.

Senator Moore: You will get the question — you, from the eight-year club, will get your question.

Honourable senators, on November 18, 2010, the Honourable Rona Ambrose, Minister of Public Works and Government Services, said:

I bring up the subject of the Canadian Forces decision because it is important to bear in mind the requirements that drive the procurement process. The procurement process does not drive the requirements. The Department of National Defence is the expert in what a modern armed force needs.

Under the Defence Production Act, I as Minister of Public Works and Government Services, have the authority to purchase defence supplies on its behalf. My department's role is to validate the identified requirement and ensure that the procurement is conducted according to the rules with the fairness and transparency Canadians demand, while maximizing value for money.

We have done that.

Honourable senators, we now know, from the Auditor General's report yesterday, whose numbers bore up the numbers reported earlier by the Parliamentary Budget Officer, as Senator Cowan has reported, that the minister did no such thing. There was no validation of requirement. There was no following of procurement rules. There was certainly no transparency — that is why we had this whole contempt issue in the other place. There was no maximizing of Canadian taxpayers' dollars or value for Canadian taxpayers' dollars.

Honourable senators, this is a complete and utter fabrication designed to mislead Parliament and the people of Canada. When will the Harper government do the right thing and fire this Minister of Public Works and Government Services?

Senator LeBreton: Honourable senators, first, I take great offence to the fact that Senator Moore believes that I do not answer the questions, because I do answer them. I think it is the answers that the honourable senator does not like.

The fact of the matter is the Auditor General, as is the responsibility of the Auditor General, has looked at this file and has brought to light some difficulties in the whole F-35 program. The government appreciates the Auditor General's work. The

government is acting immediately. As I pointed out yesterday, we have frozen funding and are establishing a separate secretariat. We are doing all the right things. We want this to be done properly. The fact of the matter is that all of this information that is being put on the record is a result the good work of the Auditor General and the government is now responding to it.

• (1420)

Senator Moore: I must say, honourable senators, I think about the question that Senator Cowan just put to the leader. Did the light not go on when the Parliamentary Budget Officer looked at it? We are talking about \$25 billion to \$30 billion dollars here. We are way over the estimated cost to purchase these airplanes. If I were the leader, I probably would have said, "Gee, that's a lot." Even if he is 50 per cent right, that is still \$12.5 billion to \$15 billion.

When thinking about budgeting and the budget for the country, do honourable senators opposite think about the fact that maybe Canadians were misled by government and we have to sort this out? The Prime Minister — not only supervising — was holding this information. Do not forget that he is the chief officer of this government. He does not get off the hook here. It is not Minister Ambrose; it is the top gun. He is responsible for misleading Canadians. He and his colleagues were found in contempt. That has not gone away.

Honourable senators, we have asked on many occasions to try to get answers from the Leader of the Government in the Senate and we are not getting them. Anything that happens now with regard to setting up a secretariat has come because of the pressure of the opposition in the other place and in this place. It is not something that the government thought of a month ago, saying "We have to fix this." You did not do that. You did what you were forced to do by members of the opposition.

We know that the Prime Minister deliberately misled Canadians with regard to the contract and the purchase. That was done.

Honourable senators, I will repeat my question: Does the Leader of the Government in the Senate not think that the government is still in contempt of Parliament, both here and in the other place?

Senator LeBreton: I absolutely do not. The fact is that this was not the opposition. This was not the Parliamentary Budget Officer. This was a result of the report of the Auditor General doing the job of the Auditor General. We thank him for it.

The Auditor General is right; there was obviously some difficulty between Industry, National Defence and Public Works. We appreciate the Auditor General's work in this regard. We agree with what the Auditor General said. We have frozen this program.

There has not been an excess of dollars expended on this program, because the contracts have not been signed. The government is doing what one would expect it to do, which is responding to the Auditor General.

I again point out that the funds are frozen, this program is frozen and there is a secretariat overseeing it all. This has not caused a huge sum of money to be expended. Taxpayers are not out money on this. We appreciate the Auditor General pulling all these facts together. The government is taking the appropriate action and we absolutely did not do one thing to mislead Parliament on this.

Hon. Jane Cordy: Honourable senators, I have some difficulties with this. It is like saying that someone is a little bit pregnant. There were major, major, major problems. Canadians were misled by this government.

As Senator Moore said, at a photo op in 2010 with the Minister of Defence and the Minister of Industry, Minister Ambrose said that only the F-35s met the requirements, and "our job" is to "validate" that and "we did." The validation was a one-page document from DND. Is it the norm that validation is determined by a one-page document?

Senator LeBreton: I can assure the honourable senator that I am not a little bit pregnant.

The fact is, and I think it is very clear, that the Auditor General did what the Auditor General is supposed to do. He looked at this program and identified some serious concerns. Perhaps I should have used the words "serious concerns" because there were serious concerns. He has laid them out and indicated where the problems are.

The government listened and thanked the Auditor General. We agree that the information he has provided is valid. We have frozen the funds. The Auditor General just made his report on Tuesday. The fact is that the government is acting appropriately. I think people actually get it, even though the opposition does not.

Senator Cordy: The Auditor General said that the decision-making process was flawed, key analysis was wrong, the documents were prepared out of sequence and financial information was incomplete. Where were the ministers?

Senator LeBreton: I think the honourable senator is now putting words in the mouth of the Auditor General. I beg her to read his report. He started off with Industry and National Defence and then talked about the procurement process under Public Works. The Auditor General has pointed out some flaws in this whole process. We agree with the Auditor General, and that is why we, as government, are determined to fix it.

Hon. Grant Mitchell: Honourable senators, it is becoming increasingly clear that it does not really matter whether the Prime Minister says it, signs it, shakes hands on it, swears it on a stack of Bibles, one just cannot believe what the Prime Minister of Canada says.

I am actually reading the Auditor General's report. There is a chart that says "National Defence's estimates used for decision making June 2010." This is the number that they used to make the decisions behind closed doors, and the leader cannot tell me that the Prime Minister of Canada did not know about the \$25 billion number that they used.

Nine months later, the next column right here in the Auditor General's report, the number that they gave to Parliament for the cost was not \$25 billion but \$14 billion. Give or take \$10 billion, the Prime Minister was out. Was the Prime Minister consciously misleading us, or was this proof that he is absolutely and fundamentally incompetent?

Senator LeBreton: The Auditor General pointed out in this report — which I think was also very clear — that the figures National Defence was using were not the figures that Parliament had. That is a given. The Auditor General pointed that out. We are about to address this.

I again point out that this program has been frozen. The government will sort this out in the interests of the Canadian taxpayers. We will not have, as we did with the previous government, a \$50 billion of boondoggle at HRSDC. We will not have \$50 million shovelled out the back door to our friends in the sponsorship scandal and —

Some Hon. Senators: Oh, oh!

The Hon. the Acting Speaker: Order.

Senator LeBreton: — we will not have a \$2 billion gun registry.

Senator Mitchell: Honourable senators, we have a Prime Minister, and I use that phrase lightly, who actually requests special reports on the number of signs that are stuck up in front of Canada Action Plan projects. He gets that kind of minutia and that kind of detail, but at the same time he lets \$10 billion just slip through his hands; just missed it. "I saw \$25 billion last June and I see \$14 billion today, and I will give that number to the public." What is it about this Prime Minister that he is so hung up on minutia that he cannot catch \$10 billion as it slips through the cracks?

Senator LeBreton: Senator Mitchell, that is outrageous.

I do not know where he gets his figures. All I know is that the Auditor General reported to Parliament, as is his responsibility. He pointed out some serious concerns with regard to the F-35 program. The Auditor General was right to point them out — that is his job — and we are right as a government to listen to the Auditor General. In this case, unlike previous governments, which always used to question the Auditor General, we accept his recommendations. We thank him for his work, and we will act on his recommendations.

• (1430)

Senator Mitchell: Honourable senators, I think the leader of the government has been saying we can cancel this — whatever it is — contract or memorandum. We can cancel it and not lose any money; it will not cost us a cent. Yet, the Minister of National Defence recently — oh, it was on February 25, 2011, so it was a year ago.

They could easily have forgotten. A year is a long time and \$10 billion can slip through the cracks in nine months. What can happen in a year?

[Senator Mitchell]

Regardless, a year ago, the Minister of National Defence said it would cost taxpayers \$1 billion if we cancel this procurement initiative.

Could the leader please tell us: Who the heck are we to believe? We cannot believe the Prime Minister. We cannot believe the Minister of National Defence. Why would we believe anyone over there about anything they say about \$25 billion?

Senator LeBreton: Honourable senators, asking the honourable senator to believe anything not Liberal red would be an almost impossible thing to do. Furthermore, as I pointed out earlier, through the F-35 secretariat, Industry Canada will continue to identify opportunities for Canadians in the development of the F-35.

I will repeat: The Auditor General did his job. We listened, we acted, and —

Senator Mercer: We are not complaining about the Auditor General, but about you.

Senator LeBreton: I am actually saying the Auditor General — who, by the way, you did not want to support.

Senator Mercer: Red-handed.

Senator LeBreton: We are saying the Auditor General did a good job, and we are acting on it.

Senator Mitchell: Honourable senators, even the estimates the government released the second time — the low estimates — did not include full life cycle costs. They based their estimate on a 20-year life cycle cost rather than the 36 years that they will need these jets for, if they ever get them.

Why would it be that this government cannot even get the facts right? It is not 20 years that those costs should have been based on, but it should have been 36 years, and it is not just \$10 billion they were under, but that they were under by probably another \$5 billion or \$6 billion. When will it ever end?

Senator LeBreton: Honourable senators, I noticed in the newspaper today that there is some debate about the life cycle and different things that were factored into it, including the salaries of our Air Force personnel.

I will repeat myself again for the honourable senator, in a calm voice, unlike his: We will accept and have accepted the work of the Auditor General. We think the Auditor General has done an outstanding job. We are glad that we have this new Auditor General, unlike some other people who at the time did not want this Auditor General. Having said that, we appreciate the Auditor General's work. We will act, as we indicated yesterday and as I have stated many times in this chamber.

[Translation]

BUSINESS OF THE SENATE

The Hon. the Acting Speaker: Honourable senators, I would like to revisit something from yesterday's debate. After the conclusion of the debate at third reading of Bill C-19, before 8 p.m. but after the debate concluded, Senator Carignan asked whether it would be appropriate to seek permission to not see the clock.

My interpretation yesterday was that it was unnecessary, because the *Rules of the Senate* already provided that we did not see the clock. I later re-examined the rules to determine whether Senator Carignan was right, and I must admit that he was right to ask the question.

Now, if anyone is wondering whether anything that was decided between the end of the debate and 8 p.m. is valid, the answer is yes, because, in order to ensure that yesterday's session was valid, I asked your permission to not see the clock and you granted it.

I thought it was important to set the record straight.

[English]

ORDERS OF THE DAY

INCOME TAX ACT

BILL TO AMEND—SECOND READING— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Mitchell, seconded by the Honourable Senator Banks, for the second reading of Bill S-205, An Act to amend the Income Tax Act (carbon offset tax credit).

Hon. Bert Brown: Honourable senators, I rise today to provide some quotes from respected international scientists on the climate change debate and the Intergovernmental Panel on Climate Change, or IPCC.

The following quotes were compiled by Dr. John Happs of Australia. Unfortunately, I have little time to share most of them. Dr. Happs has said that scientific positions are not reached by consensus. If this were the case, then science would still embrace the belief the Earth is at the centre of the universe and the world is, in fact, flat. Much of what I have heard on the climate change debate is consensus and not fact.

What we do know with certainty is that carbon dioxide is not an atmospheric pollutant. It is a colourless, odourless gas that is as essential to life on Earth as is oxygen. Human activity worldwide produces a mere 3 per cent of the carbon dioxide that enters the atmosphere each year. If all human carbon dioxide production stopped tomorrow, it would have no impact on carbon dioxide levels or global temperature.

Carbon dioxide levels, though currently climbing slowly, are among the lowest they have been in a million years. When carbon dioxide levels were 10 times higher than today's levels, the Earth was in the depth of an Ice Age.

Despite government spending over \$30 billion on climate research, there is still no empirical evidence to show that carbon dioxide has any effect on global climate. Curiously, the IPCC has been unable to provide such evidence.

Tens of thousands of scientists — a distinct majority — now seriously question the integrity of the IPCC and its findings. Here are quotes from but a few of them.

Dr. Robert Balling of Arizona State University stated:

The IPCC notes that there is no significant acceleration in the rate of sea level rise during the 20th century.

Strangely, this did not appear in the IPCC report.

Dr. John Christy of the University of Alabama in Huntsville said:

Little known to the public is the fact that most of the scientists involved with IPCC do not agree that global warming is occurring. Its findings have been consistently misrepresented and/or politicized with each succeeding report.

• (1440)

Dr. Rosa Compagnucci of the University of Buenos Aires said:

Humans have only contributed a few tenths of a degree to warming on Earth. Solar activity is a key driver of climate.

Dr. Robert Davis of the University of Virginia said:

Not a single mention of satellite temperature observations appears in the (IPCC) Summary.

Dr. Chris de Freitas of the University of Auckland, New Zealand, said:

Government decision-makers should have heard by now that the basis for the longstanding claim that carbon dioxide is a major driver of global climate is being questioned. If they have not heard, it is because of the din of global warming hysteria that relies on the logical fallacy of "argument from ignorance" and predictions of computer models.

Dr. Eigil Friis-Christensen, Director of the Danish National Space Centre, said:

The IPCC refused to consider the sun's effect on the Earth's climate as a topic worthy of investigation. The IPCC conceived its task only as investigating potential human causes of climate change.

Dr. Yuri Izrael, former vice-chair of the IPCC and senior scientific adviser to Vladimir Putin, said:

There is no proven link between human activity and global warming. I think the panic over global warming is totally unjustified.

Dr. Richard Lindzen of MIT said:

The IPCC process is driven by politics rather than science. It uses summaries to misrepresent what scientists say and exploits public ignorance.

Dr. Stephen McIntyre, retired Canadian mining consultant and former Chairman of the Board of Trelawney Mining and Exploration, said:

The many references in the popular media to a “consensus of thousands of scientists” are both a great exaggeration and also misleading.

Dr. Nils-Axel Mörner of Stockholm University said:

If you go around the globe, you find no sea level rise anywhere.

Dr. Paul Reiter of the Pasteur Institute in Paris, France:

As far as the science being “settled,” I think that is an obscenity. The fact is the science is being distorted by people who are not scientists.

Dr. Frederick Seitz, President of Rockefeller University and President of the United States National Academy of Sciences, said:

In my more than 60 years as a member of the American scientific community, including service as president of both the National Academy of Sciences and the American Physical Society, I have never witnessed a more disturbing corruption of the peer review than the events that led to this IPCC report.

Dr. Paul Reiter of the Pasteur Institute in Paris, France, said:

For the 2001 report, I was a contributory author. And we had these meetings that were absolute bullshit. I mean they had an agenda, and that was it.

Dr. David Deming of the University of Oklahoma said:

In 1999, Michael Mann and his colleagues produced a 1,000-year reconstruction of past temperature in which the MWP simply vanished.

The infamous “hockey stick” became the centrepiece for IPCC propaganda for Al Gore’s silly movie, *An Inconvenient Truth*.

Honourable senators, the IPCC is not really about climate science.

Ottmar Edenhofer is a leading member of the UN’s IPC. He was co-chair of the IPCC’s working group, and a lead author of the IPCC’s Fourth Assessment Report released in 2007. He made clear the United Nations position:

The climate summit in Cancun . . . is not a climate conference, but one of the largest economic conferences since the Second World War.

He described the UN intentions:

We redistribute de facto the world’s wealth by climate policy.

Dr. Harold Lewis, department chairman at the University of California, Santa Barbara, said:

Climategate was a fraud on a scale I have never seen.

Dr. William Gray of Colorado State University:

I am of the opinion that (global warming) is one of the greatest hoaxes ever perpetrated on the American people.

Honourable senators, I have one last quote to share with you. It comes from investigative journalist Donna Laframboise:

The IPCC was established by politicians, its experts are selected by politicians, and its conclusions are negotiated by politicians. A predetermined political agenda has been part of the landscape for the past 20 years.

Honourable senators, I urge you to think carefully about the quotes I have shared with you today. If you would like a copy of the full 22-page document, which includes many more quotes from scientists around the world, please contact my office for a copy. We would be happy to provide it to you.

Honourable senators, the following are a number of items that have appeared in the media in the last few weeks.

The continent of Europe has spent \$333 billion dollars — a third of a trillion dollars — with no measurable change in the atmosphere.

The Ontario government has had to raise all electricity rates to levels that are driving factories out of the province due to the cost of windmills and solar panels.

Just yesterday a new study was released showing the world’s oceans began warming 135 years ago — more than twice as long as previously thought. They have warmed 0.59 degrees Fahrenheit or 0.33 degrees Celsius over that period, 135 years.

Alberta is spending \$2 billion for CO₂ sequestration. At least Alberta wants to pump CO₂ down low-performing oil wells to increase oil production. Cap and trade was sold to companies paying no-till farmers in Alberta \$13 to \$14 per acre. Today, those trades are asking \$3 to \$4 an acre and there are no companies willing to buy trades.

Let us stop this expensive nonsense. The energy the Earth gets is from the sun. That was true when the dinosaurs roamed the Earth. It was also true when the ice age covered North America

with miles-thick ice that melted and gave us the Great Lakes. It is still true that the sun gives us hurricanes, tornadoes, wind changes, temperature changes and the food we grow. Last but not least, the sun gives the world the food we eat.

Hon. Grant Mitchell: A lot of that was directed at me. While I was sitting there listening to it, I felt like I had been bit by a sheep.

• (1450)

The fact is that these arguments are not particularly strong, and I appreciate that the honourable senator is sincere about them.

On the question of IPCC conspiracy, could the honourable senator please indicate to us how it is possible that thousands upon thousands of scientists all over the world, not just currently but literally since the early 1800s, have established over and over again, independently in many cases, in an infinite number of cases independent of one another, that climate change is occurring and that human beings are causing it, our activity is causing it? How is it that a conspiracy of that magnitude could ever be organized, mustered and sustained for all these decades, which would be absolutely essential to establish and sustain the arguments that the honourable senator is trying to make?

Senator Brown: If the honourable senator had bothered to read the 22 pages that he asked for from John Happs, he would know that, in fact, over a thousand of the scientists who originally believed in the IPCC are now very much afraid that their authorship has been changed by the IPCC chairman. They have been misused, and some of them have even had to sue the IPCC in order to get their documents removed because they were falsified and changed, and some of them actually had lawsuits against them. They are saying that a thousand of those scientists are now very much misrepresented by the IPCC, and they are proving by science that it never was anything that was real.

Senator Mitchell: If the science is so unreliable, if we accept the honourable senator's argument, then can he answer me on this: Why is it that the government is putting money into carbon capture and storage — not enough — but the government says it wants to do something in that regard? Why is it that the Minister of the Environment said clearly that the science of climate change is true and that people are causing it? Why is it that Mr. Harper has said on two occasions, at least, internationally that he wanted to ensure that the climate warming did not exceed two degrees? Why is it that he would have signed the Copenhagen agreement, which was premised upon the fundamental scientifically established idea that human activity is creating climate change? Is this another case where the Prime Minister is lying or incompetent or just cannot get the facts right?

Senator Brown: I gave Prime Minister Harper a copy of the honourable senator's 22-page letter that he asked for and got. I also gave one to the environment minister and one to the energy minister. I am sure the honourable senator will find different opinions from a lot of people across the world because they were brought into something that sounded like it was going to help climate, and they finally realized that it is not any help at all.

Senator Mitchell: When the honourable senator disputes the qualifications of IPCC scientists, is he saying that his government, which appointed Andrew Weaver — who is one of the top climate

scientists in the world, who has received some of the top climate science awards in the world, who was appointed by this government — is actually appointing people who are incompetent to do what they are asked to do when they are appointed by this government to an international body? Is he saying that the Prime Minister has actually appointed an incompetent to the IPCC?

Senator Brown: I think Mr. Weaver, whom the honourable senator is talking about, was in a program with the committee on energy a week ago when I was unable to be here, although I do have all the pages from that. I also have the 12 diagrams. I have never seen diagrams before that could actually predict 300 years of change into the future. I have never seen a diagram that, instead of using a 0 and a period, when it estimates something, like 0.50, actually left the zero off, so it appears that the periods are so small that they actually referred to five degrees, when it was half a degree to begin with.

The Hon. the Acting Speaker: The honourable senator's time for speaking has expired. Does he want more time? Five minutes.

Senator Brown: One of the other diagrams that they used to show what wonderful scientists they were is a diagram that says rain falls, freezes, then melts and makes water. Is that supposed to be a scientific diagram, that water freezes, then melts and then rain comes? Was that one of their 12? I have one here with me, if the honourable senator would like to see it. Their diagrams are beyond anything one could believe means anything at all. They even showed a globe of the world — one big globe. That is all it was. It did not say anything about what the globe was doing. It just showed a great big diagram of the globe.

Does the honourable senator have any more questions? I have 22 pages of the honourable senator's questions that he asked for, and I will give them to him one by one until he has all 25 of them.

Senator Mitchell: Do you believe in gravity?

One of the points the senator made was that the sea, the ocean, water has been warming for 135 years, as though that is some way to dispute the fact that it is evidence of climate change caused by human activity. The fact of the matter is that the reason that climate change is occurring is because of the increase in carbon dioxide, largely since the inception of the industrial revolution.

I remind the honourable senator, or I ask him: Does he not realize that the industrial revolution probably started about 170 years ago, so it took the first 35 years to begin building up some carbon dioxide in significant amounts so that warming would occur, and sure enough — proof positive — the sea started to warm 135 years ago? It just underlines the point we are making, that human endeavour has created the kinds of emissions that have caused global warming, and there is a time when one has to put down one's slide rule and come into the 21st century and understand that there is tremendous urgency about this. We cannot wait any longer, and there is tremendous opportunity if we do something about it and tremendous risk and danger if we do not.

Senator Brown: The honourable senator's idea about carbon and the ocean was good until 5:15 last night, when I received this from Washington, D.C. They said that the oceans began warming

135 years ago, that they have warmed from 0.53 degrees Fahrenheit, which is a little over half a degree, in 135 years, or 0.33, which is one third of a Celsius degree. That is how much they have changed.

This stuff comes day by day now. These scientists have had all they want. They have watched most of Europe spend \$333 billion, with no change in the climate at all. They have scientists now who have discovered there is absolutely no expansion of the ocean that Mr. Gore said would have 15 feet of water on Manhattan Island, and it has expanded only half an inch in the last 20 years because of the half-inch increase in temperature in the ocean going down 2,300 feet or 700 metres.

Does the honourable senator have any more questions?

(On motion of Senator Mockler, debate adjourned.)

[Translation]

INTERPRETATION ACT

BILL TO AMEND—SECOND READING— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Watt, seconded by the Honourable Senator Lovelace Nicholas, for the second reading of Bill S-207, An Act to amend the Interpretation Act (non-derogation of aboriginal treaty rights).

Hon. Jean-Guy Dagenais: Honourable senators, I am very pleased to rise here today to speak to Bill S-207. Senator Watt introduced this bill on December 13, 2011, and moved second reading on February 8, 2012.

Bill S-207 amends the Interpretation Act by adding a non-derogation provision that states that no enactment shall be construed so as to abrogate or derogate from the Aboriginal and treaty rights recognized and affirmed by section 35 of the Constitution Act, 1982.

The Standing Senate Committee on Legal and Constitutional Affairs conducted a study on the issue of including a non-derogation provision in federal legislation. In 2007, the committee produced a report entitled: *Taking Section 35 Rights Seriously: Non-derogation Clauses relating to Aboriginal and treaty rights*.

• (1500)

One of the recommendations was to add a non-derogation clause to the Interpretation Act. Although the wording of the clause in Bill S-207 is slightly different, it essentially follows this recommendation.

Naturally, it is extremely important to ensure that federal legislative measures are compatible with the protection of Aboriginal and treaty rights under section 35 of the Constitution Act, 1982. Adding non-derogation clauses to federal statutes would achieve this objective.

[Senator Brown]

However, it is important to consider whether including a non-derogation clause in the Interpretation Act is the appropriate solution for standardizing the way in which Aboriginal and treaty rights are considered by federal legislation.

Aboriginal and treaty rights are expressly recognized and affirmed by section 35 of the Constitution Act, 1982. In many of its rulings, the Supreme Court of Canada has confirmed that section 35 provides important protection for these rights from the potential negative effects of federal legislation. At the same time, the court has confirmed that it is possible for governments to regulate and even limit the exercise of Aboriginal and treaty rights when circumstances require. The protection of Aboriginal rights must be balanced and reconciled with the rights and interests of non-Aboriginal Canadians.

This level of constitutional protection afforded to Aboriginal rights is similar to the protection of Charter rights of all Canadians. With respect to the Charter, section 1 provides for limits prescribed by law on the rights guaranteed by the Charter, when such limits are reasonable and can be demonstrably justified in a free and democratic society.

Honourable senators, it is important to point out that the protection of rights under the Charter and of Aboriginal and treaty rights applies automatically to all federal statutes. There is absolutely no need for legislation to refer to the Charter or section 35 for these protections to apply.

With regard to the Charter, it was not deemed necessary to include an additional provision in a specific statute or the Interpretation Act in order to ensure that it does not derogate from the Charter. With regard to Aboriginal and treaty rights, Bill S-207 would adopt a standardized approach in order to establish the relationship between these rights and federal statutes as a whole.

[English]

I question whether such an approach is the best way to ensure that legislation properly respects the constitutional protection given to Aboriginal and treaty rights by section 35. I also question whether this approach is the best way to address the concerns Aboriginal people may have with respect to the impact of particular legislation on their rights or interests.

[Translation]

It is the Constitution that protects the Aboriginal and treaty rights and it is section 35 that requires these rights to be balanced against the rights and interests of non-Aboriginal Canadians. The government's ability to weigh these opposing rights and interests is essential in achieving what the Supreme Court indicated to be the fundamental purpose of section 35, which is to reconcile the rights and interests of Aboriginal and non-Aboriginal Canadians.

It has been suggested that adding a non-derogation clause to a specific legislative measure might change the way this balance works. If that were the case, then it might change the normal functioning of section 35 and could compromise the government's ability to weigh opposing rights and interests in accordance with section 35.

Senator Watt proposes to add a non-derogation clause to the Interpretation Act. This would mean that the provision could apply to all federal legislative measures. Federal legislation applies to a large number of varied subjects and could have an impact on Aboriginal and treaty rights in a number of ways. Trying to standardize the way in which federal legislation and Aboriginal or treaty rights interact through the Interpretation Act is not an effective way of handling the sometimes very complex relationship between federal legislation and Aboriginal and treaty rights.

Equally or even more importantly, I think that requests to add a non-derogation clause to federal legislation are not always the best way to respond to allegations that the proposed legislative measure has a prejudicial effect on Aboriginal and treaty rights.

Rather than wonder whether a non-derogation clause should be added to a legislative measure, we should instead take time at the preliminary stage to examine Aboriginal peoples' specific concerns with regard to that legislative measure.

This approach provides the necessary flexibility to respond to the concerns of Aboriginal peoples about the impact of the legislative measure on their Aboriginal and treaty rights. Adding a non-derogation clause to the Interpretation Act might give the impression that the situation of Aboriginals with regard to all legislative measures has been resolved and that there is no longer any need to take interest in it. This assumption and this approach do not serve the interests of either the government or Aboriginal peoples.

In conclusion, what may seem to be a simple issue is actually fairly complex. What may initially have been considered a legal issue related to the wording of a specific legislative provision in fact raises important questions about the best way to ensure that legislative measures comply with section 35 and the best way to take into account the concerns raised by Aboriginal people with respect to the negative impact a specific federal law may have on their rights and interests.

I urge all honourable senators to consider these important issues very carefully before supporting Bill S-207.

[English]

Attempting to standardize how legislation and Aboriginal treaty rights relate to each other by adding a non-derogation clause in the Interpretation Act is not necessary to ensure that legislation is consistent with the Constitution. It is also not the best way to take account of the concerns Aboriginal people may have regarding the impact of legislation on their rights and interests.

[Translation]

In my opinion, it is better to adopt an approach that will make it possible to take into account the specific concerns Aboriginal people may have regarding the impact of particular legislation than to add a non-derogation clause to the Interpretation Act to try to resolve the problem.

The Hon. the Acting Speaker: Will Senator Dagenais accept questions?

Senator Dagenais: Yes, Your Honour.

Hon. Serge Joyal: I listened to Senator Dagenais's remarks, but I am not sure I understood him correctly. Is he saying that section 1 of the Charter applies to the interpretation of section 35, which establishes the non-derogation clause to which he referred?

Senator Dagenais: With your permission, Your Honour, that is in fact what I said.

Senator Joyal: Honourable senators, I have a problem with that interpretation, because section 35 is not part of the Canadian Charter of Rights and Freedoms; rather, it is part of the repatriated Constitution. I have the Charter here in front of me.

The text of the Charter is found in Part I of the Constitution Act: the Canadian Charter of Rights and Freedoms. Part II of the Constitution Act contains the Rights of the Aboriginal Peoples of Canada.

• (1510)

That is another section of the Constitution. Part III, for example, is entitled "Equalization and Regional Disparities."

In other words, there were several parts to the repatriated Constitution. The first part was the Canadian Charter of Rights and Freedoms, which the senator referred to, emphasizing that there is a provision setting reasonable limits to which the rights listed in the Charter are subject.

I submit that this section of the Charter does not apply to the interpretation of section 35 because section 35 is in a totally independent part outside the Charter, just like equalization payments and the other parts of the Constitution.

I was wondering if I heard you correctly. Because we do not know whether we will have a chance to debate this bill in committee and hear from other experts, my initial reaction to your remarks is that what you are saying about the Charter does not apply to section 35. At least, that is what we have always been told. That is the position that the Department of Justice has taken on several occasions before the Standing Senate Committee on Legal and Constitutional Affairs.

Senator Dagenais: Senator Joyal, given that your question is fairly complex, I will look into it and provide you with a clear answer.

[English]

Hon. Lillian Eva Dyck: Honourable senators, I believe that Senator Dagenais said we should be balancing the rights of First Nations with other Canadians. That surprised me, because that is not my understanding of section 5 of the Constitution Act. I will read from a decision from the Supreme Court of Canada:

... when Europeans arrived in North America, aboriginal peoples were already here, living in communities on the land, and participating in distinctive cultures, as they had

done for centuries. It is this fact . . . above all others, which separates aboriginal peoples from all other minority groups in Canadian society and which mandates their special legal, and now constitutional, status.

To me, that does not mean balance; that means a separate, constitutional, legal status. I do not understand the concept of it being a balance.

[Translation]

Senator Dagenais: For the same reasons I gave Senator Joyal, I will look into it and get back to you with a clear and simple answer.

(On motion of Senator Fraser, debate adjourned.)

[English]

CRIMINAL CODE

BILL TO AMEND—SECOND READING— DEBATE ADJOURNED

Hon. Bob Runciman moved second reading of Bill S-209, An Act to amend the Criminal Code (prize fights).

He said: Honourable senators, I rise today to speak to Bill S-209, An Act to amend the Criminal Code.

This is a relatively simple bill. It updates the definition of prizefighting in a way that reflects today's reality. For the most part, this bill is similar to the provisions of the former Bill C-31 from the second session of the Fortieth Parliament, which died when that session was prorogued. Members in the other place all spoke in favour of these particular changes at second reading of that bill.

Under the Criminal Code, prizefighting is a summary conviction offence, with participants, promoters and organizers all subject to prosecution. The code defines a prizefight as:

. . . an encounter or fight with fists or hands between two persons . . .

Boxing matches are the only combative sports specifically exempted from criminal prosecution if they are held under the jurisdiction of a provincial athletic board. Under such a definition, even amateur sports on the Olympic program, such as judo, are operating in a grey area, since they involve the use of feet.

Bill S-209 updates the definition of a prizefight to include an encounter with fists, hands or feet, and it expands the list of exceptions to the offence to include amateur combative sports that are on the program of the International Olympic Committee and other amateur sports, as designated or approved by the province, as well as boxing contests and mixed martial arts contests held under the authority of a provincial athletic board, commission or similar body.

[Senator Dyck]

The exemptions for amateur contests that were proposed in Bill C-31 that carry over into this bill were the result of consultations between the federal government, the provinces and national sports organizations.

The only difference between this bill and the previous Bill C-31 is the addition of the words "mixed martial arts." This is a change that attracts attention, due in part to the growing interest in this sport.

Honourable senators, in my view this change is no more than a recognition of reality. The primary organization for professional mixed martial arts is the Ultimate Fighting Championship, better known as the UFC, which just announced it will host an event in Calgary in July.

UFC welterweight champion Georges St-Pierre of Montreal is perhaps the sport's most famous athlete, but there are a number of other Canadians among the sport's elite. The UFC's Director of Canadian Operations, Tom Wright, is a former commissioner of the Canadian Football League.

The event in Calgary will be the ninth in Canada, and Alberta will be the fourth province to host. Previous events in Montreal, Toronto and Vancouver attracted more than 200,000 fans in total, with gate receipts of more than \$40 million. Six of UFC's top eight box office records were Canadian events, with the top four all held in Canada. The Toronto event one year ago at the Rogers Centre has the distinction of the largest crowd ever for one of these events, with 55,000 fans attending and a gate of more than \$12 million.

The direct economic activity — and I stress that this is direct spending — connected with this one event was \$22.4 million, with the total economic impact estimated at \$35 million. Several million dollars were spent by international and U.S. visitors attending that event. Honourable senators, this is big business.

It is good for tourism and particularly good for the hospitality industry. Canadians account for over 25 per cent of the worldwide commercial closed-circuit television purchases of UFC events.

These numbers tell the story. Canadians have made their decision on this, and that is the primary reason I am introducing this bill.

Considering that events have already been held in three provinces, honourable senators may wonder why we need this amendment. That is a good question. This really relates to a lack of clarity that requires provinces that wish to host such events to turn a blind eye to the Criminal Code. My province of Ontario resisted for a while, but eventually made changes just before the last election through the Athletics Control Act to put in place regulations governing mixed martial arts.

I would like to address another concern that honourable senators may have. Some may be aware that the Canadian Medical Association has come out against the UFC event in Calgary. The CMA also wants an outright ban on boxing.

Before considering sponsoring this bill, I wanted to satisfy my own concerns about the safety of this sport because, let us face it, it is not pretty. The reality is that there are other legal sports that result in more serious injuries than mixed martial arts.

A 2006 study by the Johns Hopkins University School of Medicine, published in the *Journal of Sports Science & Medicine*, noted that the overall injury rate in mixed martial arts competitions is compatible with other combat sports involving striking. The Johns Hopkins study noted that the rules governing these events have changed dramatically in order to protect the combatants. Fights can end with the traditional knockout or a technical knockout and decision, as in boxing, but also with what is known as a “tap out,” where an opponent taps the mat or his opponent or verbally indicates that he wants the match to end. This is an important innovation to protect fighter safety.

In addition, the Unified Rules of mixed martial arts require weight divisions, rounds and time limits, safety rules for the ring, and safety equipment such as gloves, hand wraps, mouth guards and groin protectors. Matches are supervised by referees and judges. Doctors and other medical personnel must be on hand. There are more than two dozen criteria for fouls.

On top of this, events will be subject to stringent provincial or local regulations.

• (1520)

Even if very few honourable senators are fans of mixed martial arts, millions of Canadians are, and the sport has the potential to provide a significant boost to cities across the country.

Mixed martial arts and other combative sports are a fact of life in Canada today, and it is time we updated the Criminal Code to reflect that. I urge all honourable senators to support Bill S-209.

(On motion of Senator Munson, for Senator Campbell, debate adjourned.)

[Translation]

INDUSTRIAL ALLIANCE PACIFIC INSURANCE AND FINANCIAL SERVICES INC.

PRIVATE BILL—SECOND READING—
DEBATE ADJOURNED

Hon. Gerald J. Comeau moved second reading of Bill S-1003, An Act to authorize Industrial Alliance Pacific Insurance and Financial Services Inc. to apply to be continued as a body corporate under the laws of Quebec.

He said: Honourable senators, I am pleased to move second reading of Bill S-1003, An Act to authorize Industrial Alliance Pacific Insurance and Financial Services Inc. to apply to be continued as a body corporate under the laws of Quebec.

This bill is not controversial. It is simply a private bill requested by a private company to allow it to apply to change from being a federally regulated insurance company to being a Quebec-regulated insurance company.

Industrial Alliance Pacific General Insurance Corporation (IAP) is a subsidiary of Industrial Alliance Insurance and Financial Services Inc. (IA), a life and health insurance company incorporated under the laws of Quebec. IA is the fourth-largest life and health insurance company in Canada, and it contributes to the financial well-being of over three million Canadians. It has more than 4,100 employees, a network of more than 17,500 agents, and approximately \$73.4 billion in assets under management.

[English]

To take a company from a federal charter to a provincial charter, federal legislation in the form of a private bill is required, as there are no provisions within the Insurance Companies Act of Canada to continue the company from a federal charter to a provincial charter.

IAP is amalgamating with its parent company, IA, for economic, regulatory and efficiency purposes. This is similar to an initiative that was affected by the company last December in order to continue another subsidiary, Industrial Alliance Pacific General Insurance Corporation under a Quebec charter. As in that case, the move to amalgamate IAP and IA is primarily an administrative measure that will allow the two corporations to streamline processes by easing red tape and administrative and legal duplication, while allowing for greater internal capitalization flows.

Specifically, the amalgamation will reduce unit cost, provide flexibility for investment, help mitigate the effects of decreasing long-term interest rates, reduce regulatory and filing requirements by consolidating with a single regulator and bring economies of scale for various lines of businesses. This regulatory reorganization will allow the Industrial Alliance Group of Companies to face today's economy in a better organizational structure and continue to create jobs for Canadians.

IAP has undergone all the required prerequisites for the introduction of this private bill, including the publication of a notice in the *Gazette* and certification of the petition by the Senate's examiner of petitions.

[Translation]

It should be noted that the Office of the Superintendent of Financial Institutions in Ottawa, which currently governs IAP, and Quebec's Autorité des marchés financiers, which will be the new regulatory body once the bill is passed and the company receives its Quebec charter, have confirmed that they do not oppose the process.

[English]

In order to complete the process, the AMF must approve the transaction to grant a Quebec charter. This approval will be contingent upon the approval of the Quebec Minister of Finance, who will not formally consider the issue until the private bill has been passed by the federal government.

I should add that this bill does not create a precedent and that indeed, since 1994, four such initiatives have been undertaken by life insurance companies, moving from federal charters to provincial charters in the province of Quebec.

The first bill was Bill S-3, in 1994; the second was Bill S-27; and the third was Bill S-28, both having been passed in 2001; and the fourth bill was the one initiated by this company, Bill S-1002, passed in December 2011.

Honourable senators, I respectfully submit that Bill S-1003 constitutes, as mentioned previously, legal recognition of a situation that already exists and that consequently should be submitted as soon as possible to the Standing Senate Committee on Legal and Constitutional Affairs for review and speedy approval.

I might add, though, and this point was in fact made by several honourable senators when Industrial Alliance last appeared before the Standing Senate Committee on Legal and Constitutional Affairs with the previous initiative, that this esteemed chamber may wish to recommend to the Government of Canada that amendments be made to the Insurance Companies Act of Canada so that the valuable time of this chamber and of its committees may not necessarily be required to process such matters of a strictly administrative nature in the future.

Again, this is one of the last remaining situations that requires a private bill, a legislative avenue that has been phased out over the decades for other kinds of ordinary transactions. In the absence of such amendments, however, in dealing with the present private bills at hand, I again urge honourable senators to agree to this second reading so that it may be further considered in an expeditious manner.

I believe that Senator Dawson would like to speak to this matter when he returns to the chamber. In the meantime, I understand it will be adjourned, and we are perfectly content with that.

(On motion of Senator Tardif, for Senator Dawson, debate adjourned.)

INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION

NINTH REPORT OF COMMITTEE ADOPTED

On the Order:

Resuming debate on the motion of the Honourable Senator Tkachuk, seconded by the Honourable Senator Stratton, for the adoption of the ninth report of the Standing Committee on Internal Economy, Budgets and Administration (committee budgets—legislation), presented in the Senate on March 29, 2012.

Hon. David Tkachuk: Honourable senators, yesterday I was not quite sure about the information that was required by the house leader, but I have found out since, and there are four items in my report. They are legislative items. That is why, as Chair of the Internal Economy Committee, it is for the study of legislation as

well as an amount of \$50,000 for the Standing Committee on Conflict of Interest for Senators, which in my understanding has never been spent. It is put there every year so that if there are needs, the chair does not have to specifically come to the Senate, ask for money and make something public that should really be private.

With that, I would like to call the question.

The Hon. the Acting Speaker: Are honourable senators ready for the question?

Hon. Senators: Question.

The Hon. the Acting Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

(Motion agreed to and report adopted.)

• (1530)

NATIONAL SECURITY AND DEFENCE

BUDGET AND AUTHORIZATION TO TRAVEL— STUDY ON STATE OF DEFENCE AND SECURITY RELATIONS WITH THE UNITED STATES— FIFTH REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the fifth report of the Standing Senate Committee on National Security and Defence, (budget—study on Canada's defence and security relationships with the United States—power to travel), presented in the Senate on April 3, 2012.

Hon. Daniel Lang moved the adoption of the report.

He said: Honourable senators, the report was discussed at great length in the house a number of weeks ago in respect of the committee's request to the Internal Economy Committee. All members of the committee agreed to the request and the Internal Economy Committee has been presented with it and has given their authorization.

The Defence Committee is asking to travel to Washington to discuss the question of homeland security, Canada-U.S. defence and Canada's agreements with the U.S. That, of course, covers a great deal of ground, depending on whom we can meet with to evaluate how both governments are doing in respect of their various responsibilities. A number of issues are outstanding. The one that will be most pressing for the committee is the question of security between the two countries, what changes will take place over the next coming year and what Parliament will be asked to do.

I hope that honourable senators will agree that these trips are probably the most important ones we can make for Canada. The United States is Canada's most important trading partner and our best friend as Canadians and Americans travel across the border. I impress upon honourable senators that it is important for the

Defence Committee to travel at least once a year to Washington to discuss all the issues, which are always changing as we move through the years.

Hon. Claudette Tardif (Deputy Leader of the Opposition): Honourable senators, is the budget request for one trip or several trips? What is the total amount requested?

Senator Lang: The committee is asking to make one visit this year. I should point out that the final number in the document I have is \$137,000.

Senator Tardif: Did the honourable senator say “\$137,000” for one trip? Is that correct?

Senator Lang: Honourable senators, the document I am looking for indicates \$37,000 for the trip.

The Hon. the Acting Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

(Motion agreed to and report adopted.)

BUDGET—STUDY ON SERVICES AND BENEFITS
FOR MEMBERS AND VETERANS OF ARMED FORCES
AND CURRENT AND FORMER MEMBERS
OF THE RCMP, COMMEMORATIVE ACTIVITIES
AND CHARTER—SIXTH REPORT
OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the sixth report of the Standing Senate Committee on National Security and Defence, (budget—study on Veterans Affairs), presented in the Senate on April 3, 2012.

Hon. Donald Neil Plett moved the adoption of the report.

He said: Honourable senators, the report consists of two fact-finding trips for the Subcommittee on Veterans Affairs. The committee is doing a study on the transition of veterans into civilian life. Travel includes one trip to Valcartier and one to Sainte-Anne-de-Bellvue. The total amount requested for travel is \$23,365.

The Hon. the Acting Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

(Motion agreed to and report adopted.)

OVERSEAS TAX EVASION

INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Downe calling the attention of the Senate to:

- (a) the problem of Canadians evading taxes by hiding assets in overseas tax havens;
- (b) the harm this does to Canada, both in terms of lost revenue and its effect on those Canadians who obey the law and pay their fair share of taxes;
- (c) the pathetic efforts of the Canada Revenue Agency to discover, halt and deter overseas tax evasion, and how, in comparison to those similar agencies in other countries, CRA falls short;
- (d) the fact that this, plus recent scandals involving the CRA could lead one to conclude that there are serious problems at the Agency; and
- (e) concerns that this situation amounts to a lack of leadership on the part of the Government of Canada.

Hon. Jim Munson: Honourable senators, I would like to say a few words about Senator Downe’s inquiry dealing with overseas tax evasion. I thank our colleague Senator Downe for recognizing the serious problem of overseas tax evasion and for working so hard to see that it gets addressed. For years, the senator has been gathering information about this crime and has been relentless in pushing for stronger appropriate action by the Canada Revenue Agency. The evidence and arguments raised in his inquiry make it clear that something is askew in our tax system; and it is time for the CRA to set it right.

When one lines up the facts about overseas tax evasion by Canadians, as Senator Downe did when he addressed the house last month, it is impossible to avoid being frustrated and not to wonder why the Canada Revenue Agency seems so unconcerned about this crime. More than once in the past five years, other countries have handed the agency information on secret accounts held by Canadians in banks overseas. How has the CRA responded? In the four years since being notified of 106 such accounts in a bank in Liechtenstein, the CRA has recovered only \$6 million in back taxes, interest and penalties. It has not imposed any fines or laid a single charge.

Meanwhile, other countries that were also notified of their citizens’ hidden accounts have taken real action. There have been hearings, raids and criminal charges; so why not Canada?

• (1540)

The secret account Senator Downe has highlighted involved only two banks, one in Liechtenstein, as I mentioned, and one in Switzerland. The nearly 1,800 Swiss accounts held by Canadians each require a minimum deposit of half a million dollars. We are talking about extremely wealthy Canadians. There are certainly many other banks with secret accounts in many other countries. We are talking about huge amounts of money owed to Canada and to us, the people of Canada.

Personal and corporate income tax is a major source of tax revenue in this country. I believe that in 2010 the taxes added up to more than \$143 billion. That amount would be higher, of course, if all Canadians simply paid their taxes.

Tax evasion reduces revenues. It deprives this country of necessary services, and it erodes the trust on which our system is based. The integrity of this system requires taxpayers to report and pay taxes on domestic and foreign income, with the Canada Revenue Agency there to ensure compliance.

I am pleased that Senator Downe's good work has prompted this media interest. Just last week on CTV, there was a story, including an interview with the Minister of National Revenue. Her statements were all about defending the agency's track record, saying that the current government is dealing with this crime so much more effectively than previous governments. There you go.

I doubt most of us watching her were particularly moved by her use of camera time to take a few political jabs. Are we not all just looking for assurances that fairness in our tax system is a priority and that the Government of Canada will get tough on overseas tax evasion?

Senator Downe has talked about the importance of a tax system that appears to be, and is, in fact, fair. How can there be any semblance of fairness when very rich Canadians are avoiding paying their share of taxes? This year, next year and the year after, many of them will continue to do so, confident that the Canada Revenue Agency will never come knocking on their doors.

Meanwhile, how do we explain the unfairness of our tax system — the appearance of a double standard — to all of the law-abiding people of this country, people who must maintain their financial obligations even though their wages have been frozen, people like the hard-working moms and dads keeping a careful tally of their weekly grocery expenses, or people like those new entrants to the workforce watching the rise and fall of gas prices as though their lives depended on it? We see that every day. I would be interested to know how many people just like these will receive audit notices from the Canada Revenue Agency this spring and how many investigations of suspected overseas tax evasion the agency will conduct.

The cost to Canadians of overseas tax evasion is about money, billions of dollars. It is also about whether or not we can respect and trust our tax system. There is life; there is death, and there are taxes. This should be true for all Canadians, no exclusions. Not even the rich can get out of this alive.

Once again, my thanks go to Senator Downe for bringing to light a serious problem with serious implications for all of us. Taxes are an unsavoury topic, particularly at this time of the year, and even more so in the wake of a new federal budget. I am grateful for the senator's determination and for his telling Canadians what they have a right to hear about overseas tax evasion. I hope this initiative will give the Canada Revenue Agency a much-needed push to investigate and treat Canadians who hide their money in overseas accounts like the criminals they are.

(On motion of Senator Carignan, debate adjourned.)

[Senator Munson]

RECOGNITION OF SERVICE OF BOMBER COMMAND DURING WORLD WAR II

INQUIRY—DEBATE SUSPENDED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Meighen, calling the attention of the Senate to the unconscionable delay, despite the resolution of this Chamber passed unanimously on June 18, 2008, of the awarding of an appropriate theatre decoration for the brave Canadian flyers and crew who served in Bomber Command during World War II, without whose efforts, courage and sacrifice the war and its destruction would have continued for many more years.

Hon. Joseph A. Day: Honourable senators, I would like to join in the debate on this inquiry by our former colleague, Senator Meighen. It relates to Bomber Command appreciation and recognition.

I speak today about remembrance and about how we remember. I speak today about service, courage, sacrifice, selflessness, honour and recognition. I speak today about one of our national historic military treasures: Canadian Bomber Command.

Many senators, perhaps most, come from small communities or are no more than a single generation removed from neighbourhood railway stations, grain elevators and fishing trawlers. I know that the real nature of our Canada, beyond urban sprawl, is never far from the consciousness of honourable senators.

In terms of population, Canada is a small country with thin ribbons of settlement from sea to sea to sea. When Canadian service personnel perish in battle, small communities across our nation inevitably lose a father, a brother, a sister, a son or a daughter.

Knowing someone or being related to someone who places himself or herself in harm's way is the reality when a large percentage of citizens are dressed in uniform. Both world wars were tough on Canadian families.

In 1944, honourable senators, on the nights of March 30 and 31 alone, more than 700 Canadian aircrew lost their lives. In the Second World War, in total, more than 50 per cent of the 18,000 Canadians in Bomber Command did not return home, that is 1 in 2 of the 18,000 who served.

As all honourable senators know, it is a time-honoured practice to sew badges and pin medals on those who serve in uniform, both because of service and because of exemplary deeds. Medals are often posthumously awarded as well. No one can demean those expressions of acknowledgment of service. Sometimes, such recognition serves to commemorate a specific milestone or event. Other times, it serves to recall service that occurred in a series of events — what we call a theatre of engagement — such as the liberation of a country or the defeat of an enemy after a series of important battles at a particular stage of military conflict.

The awarding and presentation of medals and badges are memorable, both for those who are honoured recipients and for their families and communities. Let us take nothing away from this important fact. Indeed, each of those who served in Bomber Command was entitled to five or six medals, but no one medal was awarded specifically for Bomber Command personnel.

Let me be perfectly clear, honourable senators, that those of us who strive for recognition of Canadian Bomber Command are certainly not opposed to the striking of a commemorative medal.

There are, however, majestic feats of valour that deserve and require larger expressions of remembrance. I refer to the practice of erecting memorials, constructing superior designs of bricks and mortar, and crafting sculptures that become revered and ageless, often because of their size and their designated permanent location.

As we prepare to celebrate the April 9, 1917 victory by Canadian forces at Vimy Ridge, we are reminded of that wonderful monument that we have created to mark that occasion. It is clear to me that the extraordinary service of Canadian Bomber Command merits the scope and breadth of a spectacular and thoughtful physical memorial similar to the Vimy monument. Such memorials are larger-than-life public statements declaring that an event or series of events demand a physical and evocative reminder that expresses a mixture of public gratitude, public honour and public remembrance. They are grand gestures of permanent and durable recognition of actions that went far beyond the norm. They promote a collective feeling of universal recognition on the part of citizens everywhere. They motivate students of history to learn more about our collective heritage. They inspire all of us to pause and to reflect about courage, sacrifice, honour and shared respect.

• (1550)

Permanent memorials evoke the great intangibles of citizenship, sending our thoughts beyond our daily routines. Of course, we mark many important aspects of our history through scholarship, parliamentary resolutions, anniversary activities, a commemorative day or week or month, plaques at churches and plaques inside and outside public buildings. These are all good and important and significant but, honourable senators, there are some events, some noble deeds of significance and sacrifice that extend beyond these levels of recognition, however worthy they may be. The collective bravery and sacrifice of Bomber Command is very much in the larger category of recognition.

Hence in a few weeks, the Queen herself will lead the Commonwealth in commemoration of the collective valour of Bomber Command when she unveils, in London, a memorial to those who played a key role in changing the course of the Second World War. This begs the question of why Canada should not do the same officially, majestically, thoughtfully and permanently. I strongly support the efforts of Canadians to realize this wish to honour Canadian Bomber Command appropriately and now.

Honourable senators, war is horrible. Freedom is precious. Destruction and killing do not evoke pride, but in this context, the sacrifice and dedication of Canadians fighting for our values

deserve the very highest recognition. This is what the supporters of an appropriate physical memorial for Bomber Command are seeking.

Honourable senators, almost four years ago this chamber unanimously supported a resolution in favour of Bomber Command recognition. Former and current colleagues in the Senate and some current ministers of the Crown have spoken eloquently in favour of recognition of Bomber Command. The time has come to move this file forward.

Honourable senators, we recall the controversy surrounding Bomber Command, and I hope those controversies have now been dispatched. We here in this chamber were involved in helping to correct the Bomber Command display at the Canadian War Museum. That is now firmly in the past. I do not believe that it serves any purpose to rekindle that debate, which is a revisionist swamp that seeks to rewrite history through particular perspectives and which denies the overwhelming need at the time to stop the war. The fact is that there is widespread support in Canada for meaningful recognition of Bomber Command in keeping with the magnitude and importance of the aircrew sacrifices.

The timing for achieving a place for the remembrance of sacrifices of a Bomber Command memorial is critical. Remaining aircrew veterans are aging. Surely the meaningful recognition of Bomber Command merits priority action from both houses of Parliament, from Government House, which is responsible for the oversight of Canadian Chancellery of Honours, from the Privy Council Office and from the officials at the Department of Canadian Heritage. Let us hope that now, following the example of the Queen's recognition of Bomber Command this year in London, Canadian authorities will respond positively to the wishes of so many Canadians to do the right thing, now.

The Hon. the Acting Speaker: Senator Duffy, is it on debate or a question for the senator?

Hon. Michael Duffy: On debate, Your Honour.

Honourable senators, I want to begin by congratulating our colleague Senator Day for his wonderful exposition of the historical aspects of this and for his hard work on a bipartisan, non-partisan basis to make sure that these great Canadian heroes have been properly recognized.

As is due to these heroes, his committee and previous senators who are not with us today worked very hard to make sure that the historical record and the record at the museum were set straight so that future generations will know how well they were served by young men and women who worked to save us from the tyrannies of Nazism.

I also want to specifically single out Senator Segal, who is unfortunately unable to be with us today, and another truly great parliamentarian who has since retired from this chamber, the Honourable Michael Meighen. Both have worked long and hard with Senator Day and others to make sure that this important remembrance has been made.

As I began I was going to say that your wish is our command, but I would not want to go too far. I just want to say in response to hard work from people on all sides that tomorrow morning at the RCAF mess — notice it is the Royal Canadian Air Force mess — there will be an announcement made that I think will please everyone in this chamber about those who served so valiantly in Bomber Command.

To some people who look at history, Bomber Command seems to be some archaic thing that comes from 50 or 60 years ago, but for many of us here it is a very personal thing. My late father-in-law, Robert K. Mann of Halifax, was a navigator in Bomber Command. Tom Tonner, my first boss in private broadcasting in Moncton and in Amherst, was also a navigator in Bomber Command. We forget they were not flying jets but prop aircraft for great distances over Germany. Tom Tonner told me as a young reporter in the early 1960s about how they kept the crew — who were wondering whether this was going to be their last flight — amused by recreating broadcasts of NHL hockey games. They got the results of the game from the night before on the wire. They kept it secret, and he would recreate over the intercom the hockey games of the NHL so that the bomber crew would be distracted as they faced their possible death.

Senator Day gave us the statistics, but every one of those statistics is a person and every one of those was a family. In addition, a tail gunner in one of those bombers was a man named Clyde Fife. I found out long after the war that Clyde Fife from northern Ontario had a son who is with us still, and who makes his presence felt still: Bob Fife. That was his father, bunched up in the back of that bomber in a little confined space, and I do not have to tell the honourable senator for a minute what the casualty rate was.

These people were true heroes who were maligned by a broadcaster years later, who made them all out to be monsters, and it was through the hard work of the Senate and these senators — Senator Day, Senator Meighen, Senator Segal, Senator Downe and many others here — who set the record straight. These are true Canadian heroes, and tomorrow we will give them their just reward.

Hon. Jim Munson: Honourable senators, I have a lot of empathy for the feelings of Senator Duffy. In the early going, my uncle, James Lloyd Munson, whom I am named after — uncle Lloyd — was part of Bomber Command. I understand his feeling, and what I am sure many others here are feeling.

• (1600)

Later my uncle was posted with the Royal Canadian Air Force in what was then Ceylon. In 1943, a young man from Alma, New Brunswick, my father's home town, was shot down by the Japanese. He, too, was a tail gunner.

I just want to tell Senator Duffy and Senator Day that those of us of a very thankful generation will never forget.

Hon. Terry M. Mercer: Honourable senators, I would like to follow on from the remarks of Senator Munson, Senator Duffy and Senator Day. I was not planning to speak, but as they were telling the stories, it reminded me of something I wish to relate.

[Senator Duffy]

A few weeks ago, on a Commonwealth Parliamentary Association trip I made to India, my friend Peter Stoffer, the Member of Parliament for Sackville-Eastern Shore, had organized a visit by the delegation to a Commonwealth war grave site in Delhi, India. The high commission in Delhi provided us with a briefing on which Canadians were buried there. There were not many. It was a large cemetery. Most of us have seen these absolutely marvelous graveyards that are extremely well kept. In a country that is quite unkempt, this was an "island of neatness" that we went to visit.

I cannot recall the numbers of Canadian airmen, but most of the Canadian dead in this Commonwealth war grave site were airmen. In the briefing, they told us one story of a bomber crew — I assumed it was a bomber because of the size — that had flown a group of paratroopers over Burma. They had dropped the paratroopers over Burma and, on the way home, they ran out of gas. What a way to go. However, they found them and buried them in that graveyard.

(Debate suspended.)

[Translation]

BUSINESS OF THE SENATE

The Hon. the Acting Speaker: Honourable senators, unfortunately, Senator Mercer, I have to read the order of this house. It is 4 p.m.

[English]

Pursuant to the order of the Senate of October 18, 2011, the sitting is suspended. The bells will ring at 5:15 p.m. for the deferred standing vote that will be held at 5:30 p.m.

• (1730)

CRIMINAL CODE FIREARMS ACT

BILL TO AMEND—THIRD READING

The Hon. the Acting Speaker: The question is as follows: It was moved by the Honourable Senator Lang, seconded by the Honourable Senator Tkachuk:

That Bill C-19, An Act to amend the Criminal Code and the Firearms Act, be read the third time.

Motion agreed to and bill read third time and passed, on the following division:

YEAS THE HONOURABLE SENATORS

Angus
Boisvenu
Braley
BrazEAU
Brown
Buth
Carignan
Cochrane

Maltais
Manning
Marshall
Martin
Meredith
Mockler
Ogilvie
Patterson

Comeau
Cools
Dagenais
Demers
Di Nino
Doyle
Duffy
Dyck
Eaton
Fortin-Duplessis
Frum
Gerstein
Greene
Housakos
Lang
LeBreton
MacDonald

Plett
Raine
Rivard
Runciman
Seidman
Seth
Sibbeston
Smith (*Saurel*)
St. Germain
Stewart Olsen
Stratton
Tkachuk
Unger
Verner
Wallace
Watt
White—50

Downe
Eggleton
Fairbairn
Fraser
Harb
Hervieux-Payette
Hubley
Losier-Cool
Mahovlich

Munson
Poulin
Poy
Ringuette
Robichaud
Smith (*Cobourg*)
Tardif
Zimmer—27

ABSTENTIONS THE HONOURABLE SENATORS

Nil

• (1740)

[*Translation*]

The Hon. the Acting Speaker: By order of the Senate of October 18, 2011, I declare the Senate adjourned until Thursday, April 5, 2012, at 1:30 p.m.

(The Senate adjourned until Thursday, April 5, 2012, at 1:30 p.m.)

NAYS THE HONOURABLE SENATORS

Callbeck
Chaput
Cordy
Cowan
Day

Massicotte
McCoy
Mercer
Mitchell
Moore

CONTENTS

Wednesday, April 4, 2012

	PAGE		PAGE
SENATORS' STATEMENTS		Issue of Support for the Visually Impaired	
International Day of Mine Awareness and Assistance in Mine Action		Notice of Inquiry.	
Hon. Suzanne Fortin-Duplessis	1602	Hon. Asha Seth	1606
Tartan Day		QUESTION PERIOD	
Hon Elizabeth Hubley	1602	National Defence	
Canadian Hospice Palliative Care Association		F-35 Aircraft Purchase.	
Hon. Michael L. MacDonald	1602	Hon. James S. Cowan.	1606
Mr. Patrick Chan		Hon. Marjory LeBreton	1606
2012 World Figure Skating Champion.		Hon. Wilfred P. Moore.	1608
Hon. Vivienne Poy	1603	Hon. Jane Cordy	1609
Ms. Jillian Keiley		Hon. Grant Mitchell.	1609
Ms. Jennifer Mong		Business of the Senate	
Hon. Ethel Cochrane	1603	The Hon. the Acting Speaker	1610
Parkinson's Awareness Month		ORDERS OF THE DAY	
Hon. Terry M. Mercer	1604	Income Tax Act (Bill S-205)	
Ms. Aung San Suu Kyi		Bill to Amend—Second Reading—Debate Continued.	
Congratulations on Election Victory in Burma.		Hon. Bert Brown	1611
Hon. Consiglio Di Nino	1604	Hon. Grant Mitchell.	1613
ROUTINE PROCEEDINGS		Interpretation Act (Bill S-207)	
Fisheries and Oceans		Bill to Amend—Second Reading—Debate Continued.	
Budget and Authorization to Engage Services and Travel—		Hon. Jean-Guy Dagenais	1614
Study on Lobster Fishery in Atlantic Canada and Quebec—		Hon. Serge Joyal	1615
Sixth Report of Committee Presented.		Hon. Lillian Eva Dyck	1615
Hon. Fabian Manning	1604	Criminal Code (Bill S-209)	
Canada-Europe Parliamentary Association		Bill to Amend—Second Reading—Debate Adjourned.	
First Part, 2012 Ordinary Session of the Parliamentary		Hon. Bob Runciman	1616
Assembly of the Council of Europe, January 23-27, 2012—		Industrial Alliance Pacific Insurance and Financial Services Inc. (Bill S-1003)	
Report Tabled.		Private Bill—Second Reading—Debate Adjourned.	
Hon. Consiglio Di Nino	1605	Hon. Gerald J. Comeau	1617
Commonwealth Parliamentary Association		Internal Economy, Budgets and Administration	
Parliamentary Conference, July 21-28, 2011—Report Tabled.		Ninth Report of Committee Adopted.	
Hon. David P. Smith	1605	Hon. David Tkachuk	1618
International Parliamentary Conference on the Millennium		National Security and Defence	
Development Goals, November 28-December 2, 2011—		Budget and Authorization to Travel—Study on State	
Report Tabled.		of Defence and Security Relations with the United States—	
Hon. David P. Smith	1605	Fifth Report of Committee Adopted.	
Annual International Seminar, November 19-24, 2011—		Hon. Daniel Lang	1618
Report Tabled.		Hon. Claudette Tardif	1619
Hon. David P. Smith	1605	Budget—Study on Services and Benefits for Members and	
Canada-United States Inter-Parliamentary Group		Veterans of Armed Forces and Current and Former	
National Conference of State Legislatures, July 25-28, 2010—		Members of the RCMP. Commemorative Activities	
Report Tabled.		and Charter—Sixth Report of Committee Adopted.	
Hon. Michael L. MacDonald	1605	Hon. Donald Neil Plett.	1619
Annual Conference of New England Governors and Eastern		Overseas Tax Evasion	
Canadian Premiers, July 10-12, 2011—Report Tabled.		Inquiry—Debate Continued.	
Hon. Michael L. MacDonald	1605	Hon. Jim Munson	1619
Annual Summit of Pacific Northwest Economic Region,		Recognition of Service of Bomber Command during World War II	
July 19-22, 2011—Report Tabled.		Inquiry—Debate Suspended.	
Hon. Michael L. MacDonald	1605	Hon. Joseph A. Day.	1620
The Senate		Hon. Michael Duffy	1621
Notice of Motion to Urge Government to Make Sporting		Hon. Jim Munson	1622
Facilities Available One Day Annually at a Reduced		Hon. Terry M. Mercer	1622
or Complimentary Rate.		Business of the Senate	1622
Hon. Nancy Greene Raine	1606	Criminal Code	
		Firearms Act (Bill C-19)	
		Bill to Amend—Third Reading	1622



If undelivered, return COVER ONLY to:
Public Works and Government Services Canada
Publishing and Depository Services
Ottawa, Ontario K1A 0S5



1
032

Publications



DEBATES OF THE SENATE

1st SESSION

•

41st PARLIAMENT

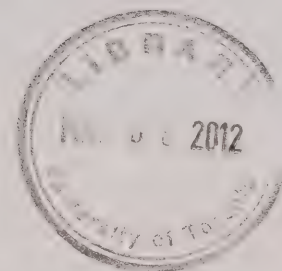
•

VOLUME 148

•

NUMBER 69

OFFICIAL REPORT
(HANSARD)



Thursday, April 5, 2012

THE HONOURABLE PIERRE CLAUDE NOLIN
ACTING SPEAKER

CONTENTS

(Daily index of proceedings appears at back of this issue).

Debates Services: D'Arcy McPherson, National Press Building, Room 906, Tel. 613-995-5756
Publications Centre: David Reeves, National Press Building, Room 926, Tel. 613-947-0609

Published by the Senate
Available from PWGSC – Publishing and Depository Services, Ottawa, Ontario K1A 0S5.
Also available on the Internet: <http://www.parl.gc.ca>

THE SENATE

Thursday, April 5, 2012

The Senate met at 1:30 p.m., the Honourable Pierre Claude Nolin, Acting Speaker, in the Chair.

Prayers.

[Translation]

ROYAL ASSENT

The Hon. the Acting Speaker informed the Senate that the following communication had been received:

RIDEAU HALL

April 4, 2012

Mr. Speaker,

I have the honour to inform you that the Right Honourable David Johnston, Governor General of Canada, signified royal assent by written declaration to the bill listed in the Schedule to this letter on the 4th day of April, 2012, at 6:22 p.m.

Yours sincerely,

Stephen Wallace
Secretary to the Governor General

The Honourable
The Speaker of the Senate
Ottawa

Bill Assented to Wednesday, April 5, 2012:

An Act to amend the Criminal Code and the Firearms Act (*Bill C-19, Chapter 6, 2012*)

SENATORS' STATEMENTS

MR. HENK TEPPER

Hon. Pierrette Ringuette: Honourable senators, last week, Henk Tepper, a New Brunswick potato farmer who was being detained in Lebanon because he was wanted by Algeria on an Interpol warrant, returned to Canada and was reunited with his family. Henk was in jail for over a year, a nightmare that he and his family are not likely to forget.

In May of last year, Henk's father, his wife and his sister came to ask me for help. I told them that I would do whatever I could to bring Henk home. With help from Henk's lawyers, I gathered

and studied all of the facts relating to his case. It would be impossible for me to go into detail about communications between my office and Lebanon because they were too numerous.

[English]

In May, June, July and August, I met with Ministers Nicholson, Baird and Ablonczy, the RCMP and the Clerk of the Privy Council, Wayne Wouters, providing them with all the documented facts.

Also, at the end of June, you will remember that I asked honourable senators to sign a petition to be sent to Lebanon. All my Liberal caucus colleagues signed it. I want to take this moment to thank my colleagues for their unwavering support.

I will also take this opportunity to thank, on my behalf and on behalf of lawyer Jim Mockler and the Tepper family, the Honourable Senator Mac Harb. Mac, you have been, without reservation, a pillar of strength and determination in Canada as well as in Lebanon for the return of Henk, especially when we went to Lebanon for our series of meetings. I was so impressed with the high regard they have for you. You joined the Tepper team, and we are extremely grateful for your help.

When Senator Harb, lawyer Jim Mockler, lawyer Joe Karam and I met with dignitaries in Lebanon, they questioned us: Why had they not received any request from the Government of Canada to return Henk home? However, through those meetings and continued dialogue, the Government of Lebanon made the courageous and just decision not to extradite Henk Tepper to Algeria.

Honourable senators, there are not enough words to express my and the Tepper family's appreciation for the Lebanese government. Throughout this nightmare, they have been patient, understanding and, above all, courageous. Henk would not be home without their courageous decision. Citizens of Lebanon and Canadian-Lebanese citizens should be extremely proud of the current government.

On Saturday, March 31, Henk Tepper, accompanied by his lawyers Jim Mockler and Joe Karam, arrived at the Ottawa airport and was greeted by his family as well as myself and Senator Harb. It was one of the most fulfilling and emotional moments of my life.

On Sunday, as we arrived in Grand Falls and Drummond, there were groups all along the road to greet Henk.

[Translation]

Honourable senators, today I have the honour of drawing to your attention the presence in the gallery of two distinguished Lebanese gentlemen, the Lebanese embassy's chargé d'affaires, Georges Abou Zeid, and our very good friend, Joe Karam, who was Henk Tepper's lawyer in Lebanon. Thank you, thank you, thank you.

• (1340)

THE LATE MR. JEAN-CLAUDE LANGLOIS

Hon. Claude Carignan (Deputy Leader of the Government): Honourable senators, today I would like to pay tribute to a great man who passed away during the night of Wednesday, April 4, 2012.

Every person's life leaves an impression, and Jean-Claude Langlois's left a huge one. At age 77, Mr. Langlois left our community, and left behind a legacy as a great builder.

He began his career as a teacher in the early 1950s and worked in that field for 13 years. It was during that time that he invented the familiar Mot Mystère word search puzzle to help his students learn French.

In the late 1960s, Mr. Langlois decided to commercialize this teaching tool. It was a huge success and marked the start of a new career for this French teacher, who then became a great and respected businessman in our region.

He quickly became interested in journalism and started his own newspaper, *La Concorde*, which was first published in October 1969. Through the acquisition of a series of competitors, Mr. Langlois became the owner of four newspapers, *La Concorde* and *L'Éveil* in the Deux-Montagnes RCM and *Nord Info* and *Voix des Mille-Îles* in the Thérèse-de-Blainville RCM.

Jean-Claude Langlois's life can be summed up by the old saying that anything worth doing is worth doing right. His commercial and philanthropic success bear witness to that fact. Jean-Claude Langlois was a builder the likes of whom we seldom have the chance to meet since, in addition to achieving such great success in his professional life, Mr. Langlois was also extremely kind-hearted. He was involved in many charitable causes. As an honorary president, a donor or a simple volunteer for a cause, Jean-Claude never hesitated to devote part of his life to promoting and supporting the organizations in his community. He gave his full support to the Fondation Hôpital Saint Eustache, Fondation Drapeau-Deschambault, Aide aux enfants handicapés Blainville Deux Montagnes and Maison des soins palliatifs Sercan, not to mention the many charitable organizations to which he provided space in his newspapers.

The success of his newspapers resulted from his willingness to promote the people of his region. Like all media owners, he had a great deal of power. He never abused his power. Instead, he used it to showcase other people and their ideas. I will always remember the election campaign coverage when he created a rule for exemplary objectivity and impartiality, in which each party was given the same meticulously planned coverage in order to ensure that all parties were on a perfectly level playing field.

Some losses have many repercussions. The passing of Jean-Claude Langlois is one such loss, and no one is left unaffected. He was a rock in our community and, for many, he was a beacon on that rock.

Personally, I have known the man for nearly 25 years and he left an indelible mark on my life. Thank you, Jean-Claude, for all you have given us.

I wish to express my sincere condolences to his children, Serge, Claude and Michel, his grandchildren, and his long-time colleagues and friends, André Roy, Rémy Binette and Carole Côté.

[English]

NATIONAL CAREGIVER DAY

Hon. Catherine S. Callbeck: Honourable senators, today is National Caregiver Day. An estimated five million Canadians provide care for their loved ones who are gravely ill or dying because of age, disabling medical conditions, chronic injury, long-term illness or disability.

We must recognize the important role and value of family caregivers, not only for the family but for society as a whole. Family caregivers are the invisible backbone of our health care system. They provide hands-on care, assistance and emotional support day after day to loved ones who are gravely ill or dying.

The new reality is that caring for an aging parent or family member is becoming a normal part of life for an increasing number of Canadians. Today it is not if but when one will become a family caregiver.

This weekend as we celebrate Easter, a chance for Canadians to rest and spend time with family, let us remember that family caregivers will be working continually to provide care and support for their loved ones.

Honourable senators, please join with me in marking National Caregiver Day by recognizing the individual Canadians who, by providing care and compassion, make a difference in the life of a gravely ill or dying loved one.

[Translation]

ROUTINE PROCEEDINGS

REMOTE SENSING SPACE SYSTEMS ACT

INDEPENDENT REVIEW TABLED

Hon. Claude Carignan (Deputy Leader of the Government): Honourable senators, I have the honour to table, in both official languages, an independent review of the Remote Sensing Space Systems Act.

ADJOURNMENT

Hon. Claude Carignan (Deputy Leader of the Government): Honourable senators, with leave of the Senate and notwithstanding rule 58(1)(h), I move:

That when the Senate adjourns today, it do stand adjourned until Tuesday, April 24, 2012, at 2 p.m.

The Hon. the Acting Speaker: Honourable senators, is leave granted?

Hon. Senators: Agreed.

The Hon. the Acting Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

(Motion agreed to.)

[English]

CHARTER OF RIGHTS AND FREEDOMS

NOTICE OF INQUIRY

Hon. James S. Cowan (Leader of the Opposition): Honourable senators, pursuant to rule 56, I give notice that, two days hence:

I will call the attention of the Senate to the 30th Anniversary of the *Canadian Charter of Rights and Freedoms*, which has done so much to build pride in our country and our national identity.

[Translation]

QUESTION PERIOD

JUSTICE

LONG-GUN REGISTRY

Hon. Céline Hervieux-Payette: Honourable senators, my question is for the Leader of the Government in the Senate. Following the passage of Bill C-19 — which dredges up very bad memories for Quebecers — and today's decision by Quebec's courts to suspend application of section 29, the destruction of registry data in Quebec, could the leader tell us if the government intends to respect the decision of the Quebec's courts?

[English]

Hon. Marjory LeBreton (Leader of the Government): The Minister of Public Safety reported this morning that with Royal Assent and Bill C-19 becoming federal law, the long-gun registry will no longer be in place in Canada. However, we will, of course, respect and deal with any future decision of the court.

• (1350)

While I am on my feet, the government was just made aware of the decision of the court in the province of Quebec and has not yet fashioned a response to exactly what will be done in the future.

Senator Hervieux-Payette: We are in a country where due process is one of the fundamental pillars of our democracy. I am wondering if this declaration of the minister is valid until the

court has finished dealing with it. The first step was to preserve the data. The second step, of course, is to recuperate the data, and this will be addressed in another court proceeding.

Will the minister respect the court process of this country and ensure that we get back the data, paid for by the citizens of Quebec and whose will it is to keep it?

Senator LeBreton: I answered that in my first answer, honourable senators. The government was just made aware, an hour or so ago, about the decision of the Quebec court. I cannot comment any further on what actions will be taken. This will have to wait until we are back, when we will have a more definitive idea of how exactly we will respond.

[Translation]

Senator Hervieux-Payette: Honourable senators, this is my last supplementary question. Not so long ago, when we were discussing the possibility of destroying or abolishing the Canadian Wheat Board, a judge made a ruling that was never respected by the government.

That is why my question for the leader is the following: is her government going to respect the judicial process to the end?

[English]

Senator LeBreton: I just answered the question. With regard to the Wheat Board, it was a different type of circumstance.

In any event, I can only say to honourable senators that the government just, within the last hour, received the decision of the Quebec court, and we will respond appropriately.

Hon. Joan Fraser: Supplementary. I am sorry, honourable senators, but despite three attempts, and listening very carefully, I do not understand the answer of the Leader of the Government in the Senate. Will she or will she not obey the injunction until the final court case is settled?

Senator LeBreton: I actually said that in my first answer. I said that Minister Toews indicated this morning that the government would respect the decision of the court.

[Translation]

FINANCE

FUNDING FOR KATIMAVIK

Hon. Maria Chaput: Honourable senators, my question is for the Leader of the Government in the Senate and has to do with the Katimavik program.

The youth unemployment rate is twice as high as the national average, civic engagement is at an all-time low, and there is a shortage of skilled labourers.

The minister's government has abolished Katimavik, a program to help young people acquire useful, transferable job skills.

I would like to share what some of the young participants in Katimavik have said. One young woman said, "What we learn here is worth just as much as a diploma." One young man said:

[English]

... it is terribly wrong to cut Katimavik it changed my life in 2000.

[Translation]

Should the acquisition by young people of these useful, transferable job skills not be part of your job strategies in the economic plan? Why abolish Katimavik?

[English]

Hon. Marjory LeBreton (Leader of the Government): I hope honourable senators noticed today that the country experienced extremely strong job growth: 82,300 net new jobs, which means over 690,000 net new jobs since July 2009. Of these figures today, 90 per cent were full-time jobs. I would urge the honourable senator to look at the statistics, because a significant number of those jobs were for young Canadians.

These are positive signs. We are on the right track. The youth employment numbers made up a significant proportion of the good news that came out of Statistics Canada this morning.

With regard to Katimavik, as I indicated on Tuesday to Senator Losier-Cool, this program has been in place for over 30 years. Taxpayers have paid out over \$379 million into the Katimavik program. There is a dropout rate of over 30 per cent. Since 1977, Katimavik has received 99 per cent of its funding from taxpayers. There has been no effort on the part of Katimavik to raise its own money. In fact, if the senator is worried about ordinary Canadians, Katimavik has cost taxpayers \$28,000 for every young person the program supports. That, of course, as we know, is a very good salary for many Canadians.

Our government is very proud of our record in investing in affordable, effective programs that engage youth, including Encounters with Canada, Forum for Young Canadians and organizations that support youth, such as the YMCA and YWCA.

Linda Brunet of Encounters with Canada has stated that "The support this government has provided to youth has been invaluable."

[Translation]

Senator Chaput: The Katimavik program has given young Canadians an opportunity to learn about and appreciate Canada's rich regional and cultural diversity. These young Canadians, as you know, have had unforgettable experiences in every province across Canada. Those experiences have given these young people more than just a job before returning to their studies; they have also given them the skills and tools needed to return to the labour market. The program has also provided a great deal of assistance to the community organizations that welcomed them across Canada.

I know of some young people who, through this program, helped develop regional programming for a community radio station when it was being launched. I know of some who helped

low-income seniors living in retirement homes renovate their personal spaces. I saw many such community-based projects carried out through Katimavik.

I have never heard a single Canadian say that the Katimavik program was a waste of money.

I repeat my question: Why eliminate such an important program for our young people?

[English]

Senator LeBreton: Honourable senators, I point out that Katimavik has been in place for over 30 years. It did not do one thing to reach out on its own and raise its own money. It relied totally on the Canadian taxpayer to the tune of \$28,000 per young person who participated. There was a dropout rate of over 30 per cent. The government supports many programs, including Encounters with Canada, that educate and provide youth participation in good and valid projects to enhance their Canadian citizenship. Katimavik is a program whose time is up, and the government will not change its position on this. The Katimavik program is over.

Hon. Jim Munson: To the Leader of the Government in the Senate, did the government cut the program because it is a Liberal initiative?

Senator LeBreton: Honourable senators, if that were the case we still have a lot of cutting to do.

The fact of the matter is this program's usefulness has now passed. I have made very clear that Katimavik made no effort to raise any of its own funds; it relied solely on the taxpayer of Canada.

The government participates in many programs to support our youth. The employment numbers out today point to the fact that a significant number of those jobs were for youth.

• (1400)

Furthermore, there are many areas in this country where businesses, manufacturing and various organizations are crying out for skilled workers. I would suggest that we focus on ensuring that our young people know of these positions that are available and that they are properly trained, whether through skills training or colleges and universities, to ensure that they are well equipped to fill these jobs that are so urgently crying for people to fill them.

Senator Munson: In probably one of the leader's favourite papers, the *Ottawa Citizen*, there was a column today by Elizabeth Payne. She made an interesting point. She said that Katimavik should be a Tory favourite, owing to the fact that it is aligned with Conservative values of volunteerism and youth engagement. She suggested that the government might want to consider rebranding Katimavik. Its current name means "meeting place" in Inuktitut, and it is fitting, given Canada's proud Aboriginal heritage. However, perhaps — a more Conservative-friendly name could save the program. What about "the Governor General's youth corps" or "the royal Canadian volunteer corps"?

I just know these things. The leader's answer moments ago — talk about taking it to another level — “this is about Trudeau time” and so on and forth.

It is hard to imagine, as Ms. Payne said, a federal politician who would not like the idea. You could call it “Torytic,” or whatever you want to call it. It is difficult to argue with the benefit of this program.

Would you stop chirping, senator? I am trying to ask a question. You chirp all the time.

Each dollar invested in the program produces roughly \$2.20 return for the communities Katimavik serves. How can one argue with that?

We have hundreds of emails from parents. Those who signed up for the program this year, who are still in the program and who are ready to go this summer, cannot go. They completed the selection process for the upcoming sessions and now they are left out in the cold.

One mother said the following:

My son was accepted to the July run of the Katimavik program. He was excited about his future, excited about seeing a different part of Canada, and excited about helping others, because he was accepted in the program. He did not apply to university or college this year. Now what does he do?

This was his dream, and our government has crushed it. Madam leader, it is not our government, and certainly not my government, that has crushed this young man's dream. As his mother asked, I now ask the leader: What does he do?

Senator LeBreton: First, when the honourable senator suggested at the beginning of his question that the *Ottawa Citizen* is my favourite newspaper, as a matter of fact, it makes a good liner for my cat litter box.

The fact of the matter is, as I mentioned before, Katimavik has long outlived its usefulness. It is paid for directly by the taxpayer. We were elected on jobs, the economy and prosperity for the future. We have not raised taxes.

Since the honourable senator is worried about students and student jobs, the Economic Action Plan 2012 provides an additional \$50 million to assist more young people in gaining tangible skills and experience through the Youth Employment Strategy. I would suggest to the honourable senator that he direct the mother who wrote the email to other programs that the government has to assist young people. It would be advisable that he do that.

The budget also doubles the resources of the Industrial Research and Development Internship Program to place even more students into hands-on research and internships in Canadian companies.

We have provided many opportunities for youth. Previously, as I pointed out in this chamber, we permanently increased Canada Summer Jobs by \$10 million — 3,500 additional jobs per year, for

a total of 40,000 jobs for students each summer. As well, Career Focus helps employers provide recent graduates with internships; this program helped 2,800 graduates in 2010-11.

Honourable senators, these are the programs that young people should be focused towards, not a 30-year-old program in which a very few people participate. Katimavik itself, as the sponsor of this program, has done absolutely nothing, other than to rely on the taxpayer, to raise one cent. If they were so committed to the program, why were they not out raising money on their own to keep this program going?

Senator Munson: There are robo-calls, and now there are robo-answers. Tony Clement can spend \$50 million on gazebos. That was a Summer Work Experience program. The leader never, ever answers a direct question.

What does the leader say, as I asked previously, to the mother of this young boy who signed up for the Katimavik program and was ready to go? It crushed her son's dream. What does the leader say to that family? Could she answer that?

Senator LeBreton: I answered that. I suggested that the honourable senator have that mother direct her son to the Canada Youth Employment Strategy. There are all kinds of opportunities for young people, whether it is working in universities or manufacturing, where they can get meaningful training for jobs that will last well into the future.

I know the honourable senator has a hard time accepting this because of his particular background, but the fact of the matter is that Katimavik is dead and the government will not be reinstating the program, no matter how many times the honourable senator gets up and asks questions about it.

ATLANTIC CANADA OPPORTUNITIES AGENCY

EMPLOYMENT CREATION

Hon. Terry M. Mercer: According to Statistics Canada, when we compare job numbers from February of this year to June of 2008, we find that in Nova Scotia alone more than 4,900 more people are unemployed; indeed, the numbers this morning show that the numbers are going up again. Since July 2008, the local unemployment rate has risen. I have not had a chance to check this morning's numbers, but I understand they have gone up from 6.9 to 8.2 over the period I quoted.

Yet, in the recent budget — and Senator Duffy should be paying close attention to this — the Atlantic Canada Opportunities Agency was cut by almost \$17.9 million per year. That is 21 per cent of ACOA's \$84.6 million operating budget.

The Department of Fisheries and Oceans was cut by \$79.3 million per year and Marine Atlantic was cut by \$10.9 million per year. These are all important departments in Atlantic Canada; this is again an abandonment of Atlantic Canada by the Harper government.

For a government that claims to be creating jobs, it seems to me it is doing the complete opposite. Why would this government be cutting budgets in areas that are already suffering from heavy job losses?

Hon. Marjory LeBreton (Leader of the Government): I guess the honourable senator is worried about the jobs of the few people who work for these agencies and not the many jobs created through the programs of ACOA.

The honourable senator knows that all ACOA's programs remain solidly funded and continue to help small and medium-size enterprises create jobs and growth in the Atlantic region. Over the coming days and weeks, ACOA will be informing unions and employees about specific changes and will communicate these changes accordingly. These are changes to the operation of ACOA. These are not changes to the money that ACOA sends out to small business.

Of course, as I said before, the National Shipbuilding Procurement Strategy is further evidence of our commitment to Atlantic Canada. Obviously, this program will be a great boon to Atlantic Canada, not only in Nova Scotia but also to other related industries in other provinces of Atlantic Canada.

• (1410)

Senator Mercer: The Leader of the Government in the Senate talks about cuts to operations. That is interesting. I am very curious about that.

I have asked the minister before about high-paying jobs that were going out to Minister MacKay's friends in the very departments of this government that have slashed budgets. For example, John Lynn, hired to head Enterprise Cape Breton Corporation under then ACOA Minister Peter MacKay, and Kevin MacAdam, a former staffer of Minister MacKay, hired as the director general of ACOA regional operations in Prince Edward Island, had a salary of \$133,000 —

Senator Mitchell: That's job creation.

Senator Mercer: Patrick Dorsey was senior adviser to Premier Binns before being named ACOA's vice-president for PEI in 2007 — all of that, again, when Minister MacKay was ACOA minister. Cecil Clarke landed himself a job as consultant to the Cape Breton County Economic Development Authority for over \$135,000 a year, honourable senators. I repeat: \$135,000 a year.

Honourable senators, their salaries add up to almost half a million dollars. That is a lot of money that could be providing local jobs for Atlantic Canadians. Instead of cutting these executive jobs, the budget will be focusing on layoffs from the local jobs of people in the region.

I seem to recall an old adage in labour: Last in, first out. I ask the leader again: When is John Lynn getting his pink slip? What about Kevin MacAdam, Patrick Dorsey and Cecil Clarke? When will they be fired?

Senator LeBreton: Honourable senators, the Honourable Senator Mercer was the executive director of the Liberal Party before he was appointed to the Senate.

The fact of the matter is, honourable senators, Atlantic Canada —

Some Hon. Senators: Oh, oh!

The Hon. the Acting Speaker: Order! Can we listen to the answer, please?

Senator LeBreton: Atlantic Canadian families are no different than families anywhere in the country. Atlantic Canadian families, workers, entrepreneurs and taxpayers overwhelmingly agree that our hard-earned tax dollars should be spent wisely and, more important, effectively.

Atlantic Canadian communities and businesses will benefit from a host of opportunities stemming from the Economic Action Plan 2012. Our budget includes an extension of the hiring credit for small businesses, continued support for the forestry sector, and \$1.1 billion over five years for research and development. On top of that is the naval shipbuilding.

Senator Mercer: Happy Easter!

Senator LeBreton: Happy Easter to you, too, Senator Mercer.

Senator Mercer: Honourable senators, indeed I was the national director of the Liberal Party before I was appointed. I was happy to do that and I was happy to take the appointment from Mr. Chrétien — just as all the people on the other side were happy to take their appointments for their various jobs.

What Senator Moore wanted to know was this: Why is the leader reading her answers? Tell us what you really feel.

DND is now sending out pink slips. In Nova Scotia, we are losing 62 jobs in Halifax and at CFB Greenwood — a total of 178 job losses in Atlantic Canada from the Department of National Defence.

Minister MacKay and Mr. Harper have no problem getting jobs for Mr. MacKay's buddies — high-paying jobs at ACOA — but cannot stand up and prevent job losses for departments that are operational in Atlantic Canada. When will these people be fired and when will you stop cutting jobs in Atlantic Canada?

An Hon. Senator: Hear, hear!

Senator LeBreton: The honourable senator chides me for reading an answer because I am putting real figures on the record, but then he reads his question.

The honourable senator knows full well that the goal of this government is strong growth, low taxes and prosperity in the future. Atlantic Canada factors into that at an extremely high level. I did put on the record the money that the government is putting into Atlantic Canada, including into the forestry industry and into research and development. Atlantic Canada will benefit from all of that. Again, I mentioned shipbuilding, which was celebrated by people in Atlantic Canada. That project will go forward and will be beneficial to people all over Atlantic Canada.

NATIONAL DEFENCE

F-35 AIRCRAFT PURCHASE

Hon. Francis William Mahovlich: Honourable senators —

The Hon. the Acting Speaker: Order! Can we listen to the question, please?

Senator Mahovlich: Thank you, Your Honour.

My question is to the Leader of the Government in the Senate. Auditor General Michael Ferguson stated that the government misled the people by using a \$15-billion price tag for the purchase of 65 F-35s. Documents, he noted, showed a total price tag of \$25 billion over a 20-year period for defence personnel salaries and operating costs. Yet nothing is mentioned here about maintenance.

A dear friend of mine retired from politics and from the hockey world. His name was Leonard Red Kelly. He went into business in aerospace and airplane maintenance. I often went over to have lunch with him. He explained to me that if you flew a plane, every part in that plane had so many hours. If it flew one hour, then certain parts would have to be replaced. This was a business unto itself, so you had to replace all these parts.

I figured out that for a plane worth at least \$200 million or \$300 million, the maintenance for an F-35 — that is, for 65 of those planes — would be at least \$2 billion to \$3 billion a year.

Senator Mitchell: Unbelievable!

Senator Mahovlich: In 20 years, it would be close to \$27 billion.

Senator Mitchell: Oh, my God — they forgot \$27 billion!

Senator Mahovlich: Could the leader please come up with the price tag for the maintenance of these F-35s in the next 20 years?

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, I have been around long enough to remember Red Kelly. He played for Detroit and Toronto. Of course, the Maple Leafs never recovered after he left.

The Auditor General, as I pointed out yesterday, raised some issues with regard to the F-35. The Auditor General did say this morning in committee that the government is going in the right direction. I think it is important to point out here that no contract has been signed; no money has been misspent because no money has been spent.

Honourable senators, let us let the secretariat that has been put in charge of overseeing this do their work, report to Parliament and go from there.

As I pointed out yesterday, the government accepts the findings of the Auditor General and is taking the proper steps to address all the Auditor General's concerns.

Hon. Grant Mitchell: Honourable senators, the Auditor General made it very clear and stated explicitly that cabinet knew that the price tag — even though it was low — that was

going to be put on the jets was \$25 billion. They knew that explicitly. At the same time, they sat by in their seats in Parliament when the \$14-billion piece of information was given to Parliament, and they did not do a single thing to fix that lie.

What does it say about the nature of these people in that cabinet that they would sit by and observe a \$10-billion lie to the people of Canada and do nothing, but nothing, to fix it?

Senator LeBreton: Honourable senators, I am not sure to what the Honourable Senator Mitchell is referring exactly. All I know is that the Auditor General pointed out some problems between the Department of National Defence and Industry Canada and the handover to Public Works.

• (1420)

The cabinet, the Governor-in-Council, has accepted the Auditor General's findings. A secretariat has been set up. However, it is very important to point out that no contract has been signed and no money has been misspent because no money has been spent.

Senator Mitchell: Who is going to get fired to right the wrong as these people sat by and allowed that government to lie to —

[Translation]

The Hon. the Acting Speaker: The time for Question Period has expired.

[English]

ORDERS OF THE DAY

ENERGY, THE ENVIRONMENT
AND NATURAL RESOURCESBUDGET—STUDY ON CURRENT STATE
AND FUTURE OF ENERGY SECTOR—
THIRD REPORT OF COMMITTEE ADOPTED

On the Order:

Resuming debate on the motion of the Honourable Senator Mitchell, seconded by the Honourable Senator Mahovlich, for the adoption of the third report of the Standing Senate Committee on Energy, the Environment and Natural Resources (budget—study on the energy sector), presented in the Senate on March 29, 2012.

The Hon. the Acting Speaker: Are honourable senators ready for the question?

Hon. Senators: Question.

The Hon. the Acting Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

(Motion agreed to and report adopted.)

[Translation]

AGRICULTURE AND FORESTRY

BUDGET AND AUTHORIZATION TO ENGAGE SERVICES AND TRAVEL—STUDY ON RESEARCH AND INNOVATION EFFORTS IN AGRICULTURE SECTOR—SIXTH REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the sixth report of the Standing Senate Committee on Agriculture and Forestry (*budget—study on research and innovation efforts in the agricultural sector—power to hire staff and to travel*), presented in the Senate on April 3, 2012.

Hon. Claude Carignan (Deputy Leader of the Government) moved the adoption of the report.

Hon. Serge Joyal: Honourable senators, I would like to ask the Honourable Senator Carignan if the budget for this study, which was set at more than half a million dollars, is the amount the Senate is being asked to authorize or if the budget has been revised.

Senator Carignan: To my knowledge, there is no change to the budget for the time being. I believe that any committee need not spend its entire budget. The committee must ensure that the monies are spent as diligently as possible. I believe that the deputy chair, Senator Robichaud, who is present, could also respond to any specific queries.

Senator Joyal: Honourable senators, the following question is directed to the honourable Deputy Leader of the Government as well. If I have understood correctly, the total budget for all committees — there are 17 currently sitting — is \$1,700,000, and the Standing Senate Committee on Agriculture and Forestry would take up almost one-third of that amount. Is the honourable senator not concerned that a single committee would spend almost one-third of the total budget for all committees on a single study?

[English]

Hon. David Tkachuk: The presentation of the budget is here because it is part of the report, but it was not approved. None of the international travel was approved. The only thing that was approved, if you go to the last page of the *Journals of the Senate*, was the amount for some \$200,000, which included the trip to Eastern and Western Canada by the Standing Senate Committee on Fisheries and Oceans. The other part was turned down by the Internal Economy Committee and by the budget committee in its report.

Senator Joyal: I thank the honourable chair of the Standing Senate Committee on Internal Economy, Budgets and Administration for his response because that answers part of my preoccupation. I have risen before in the house when such

requests were placed before us and the proportion of the total amount for committees was so high, in fact, as to impair the future possibility of committees to request additional money. That is why I am raising this matter, and not because I am opposed to what the Agricultural Committee in its wisdom might choose to do.

As the Honourable Senator Carignan has mentioned, I am sure there are rules for any committees to ensure that the appropriations are well spent. I thank the chair of the Internal Economy Committee for that information.

The Hon. the Acting Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

(Motion agreed to and report adopted.)

INVOLVEMENT OF FOREIGN FOUNDATIONS IN CANADA'S DOMESTIC AFFAIRS

INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Eaton calling the attention of the Senate to the interference of foreign foundations in Canada's domestic affairs and their abuse of Canada's existing Revenue Canada Charitable status.

Hon. James S. Cowan (Leader of the Opposition): Honourable senators, I rise today to speak to the inquiry launched by Senator Eaton on, in her words, "the interference of foreign foundations in Canada's domestic affairs and their abuse of Canada's existing Revenue Canada Charitable status."

I have listened closely to the honourable senators who have spoken on this debate. Many issues have been raised and some serious accusations have also been levelled against some of Canada's most respected and dedicated charitable organizations.

The privileges honourable senators enjoy in this place should never be used as a shield for a drive-by smear campaign. Our privileged right of speech in this chamber should never be used to try to stamp out the right of other Canadians to their fundamental Charter right of freedom of speech; yet that is what I fear this inquiry is trying to do.

There is a great deal of concern right now amongst charitable organizations across Canada because of things that have been said in the course of this debate, and last week's budget would seem to suggest that their concerns are justified. These organizations, perhaps reflecting their "charitable" nature, are concerned. Many thousands of Canadians are angry that parliamentarians, sent here to debate serious issues of vital national importance, are instead spending valuable time "trying to stifle the voices of millions of Canadians with whom you may not agree." That wording was contained in thousands of emails that I have received on this topic.

• (1430)

Honourable senators, the people who work for and support our charitable organizations have dedicated themselves to working to build a better world for all of us. Whether you or I or Prime Minister Harper agree with all the details of their respective visions is irrelevant. What constitutes the public good will be different for different people and it is the respect for these differences that is the hallmark of a free and democratic society.

The fact that an organization may have charitable status should not give licence to the government to censor what it says on a particular issue. Participation in public policy debate should not depend on one's tax status.

It may be helpful to begin with some context. My friend Senator Wallace made an admirable contribution to the debate when he outlined the history of charities in Canada, and I commend his remarks to you.

In 2003, the Government of Canada published a document that is readily available on the Canada Revenue Agency website and continues in full force and effect. It set out the government's policy with respect to political activities that the government has said charities may engage in. This policy statement, CPS-022, has governed the political activities of Canadian registered charities for close to a decade now. It sets out the overall context for charities as follows:

... Canadian society has been enriched by the invaluable contribution charities have made in developing social capital and social cohesion. By working with communities at the grassroots level, charities are trusted by and understand the needs of the people they serve. This is important work that engages individuals and communities in shaping and creating a more inclusive society.

Through their dedicated delivery of essential programs, many charities have acquired a wealth of knowledge about how government policies affect people's lives. Charities are well placed to study, assess, and comment on those government policies. Canadians benefit from the efforts of charities and the practical, innovative ways they use to resolve complex issues related to delivering social services. Beyond service delivery, their expertise is also a vital source of information for governments to help guide policy decisions. It is therefore essential that charities continue to offer their direct knowledge of social issues to public policy debates.

Notice that there is no mention of charities being required to advance the policies of the government of the day, or a suggestion that a charity may not challenge or question government policy. To the contrary, there is fundamental respect that our charities are engaged directly on issues that matter to Canadians. They have what is referred to in the circular as "a wealth of knowledge" about how policies will affect people's lives, and enabling charities to offer their knowledge to public policy debates is, in fact, a good thing and something to be encouraged, not silenced.

Honourable senators, think of the work done by charitable organizations over the years on issues that were controversial at the time but are now widely accepted. Think of acid rain

and, before that, think of the health organizations that worked tirelessly against smoking while "big tobacco" was telling Canadians and others that there was no proof cigarette smoking was bad for one's health. Look at the work being done today on the export of asbestos. Will this government next try to silence or shut down the Canadian Medical Association for its criticism of Canada's asbestos policy?

Senator Finley said that the word "charity" has become, in his words, distorted, contaminated and debased, migrating from being largely a religious-based concept to now being part of the murky lexicon of financial, political and other institutions. Honourable senators opposite appear to want to return to some mythical earlier time when charities restricted themselves to what the Conservative government considers to be approved "good works" and stayed away from advocating on public policy issues.

Honourable senators, the campaigning or advocacy role of charities has been an important factor in our history since the 18th and 19th centuries. Some of the greatest social movements have been led by charities. The campaign against the ill-treatment of children; the movement to abolish slavery; the campaign for women's rights, including the right to vote, were spearheaded by charitable organizations. This is not a recent phenomenon. There is a long and venerable tradition of charities engaging in political activities.

Is this to be undone now? Are charities now to confine themselves to government-approved issues and carefully avoid advocating for causes that have not met with this government's prior approval? Many Canadians have suggested that this government's policies aspire to some television-inspired fantasy of the 1950s, but with this change it would appear the Harper Conservatives want to turn the clock back even more radically, to the Middle Ages.

By contrast, the 2003 policy statement of the Chrétien government recognized and indeed welcomed the role that charities play in public policy development. It provided clarity — and "clarity" is an important word — on what charities could do without jeopardizing their charitable status. It defined "charitable activities," "prohibited activities" and "permitted political activities." The line between what was and what was not allowed was defined by the nature of the activity and not by whether the charity supported a particular government policy. For example, a charity may not engage in partisan political activities, but it may engage in a public awareness campaign to enable the public to make decisions about an issue related to the charity's work.

As I understand it, and I have spoken to many people in the charitable sector across the country, these rules, which were prepared after broad consultation across the country, have worked well. Let us be clear, honourable senators. I have not heard anything to indicate that any Canadian charity has violated these rules. The Budget Plan released last week states:

Recently, concerns have been raised that some charities may not be respecting the rules regarding political activities.

Honourable senators, I fear we are entering into some sort of an echo chamber. The main people who seem to have been raising these concerns are here in this chamber.

Senator Mockler gave a disturbing speech in which he listed what he characterized as “good foundations” and then what he characterized as “the qualified bad, not to mention ugly foundations.” Honourable senators will not be surprised to hear that those in the latter category support causes that Senator Mockler does not like. He proceeded to point out that charities should not take part in an illegal or partisan political activity. I should have thought that no one should take part in illegal activities. He went on to accuse certain foundations of “questionable practices” and what he called “dirty tricks.”

I asked Senator Mockler if he would identify some specific examples of illegal activities and which bad and ugly foundations engaged in them. He declined to reply, referring me back to the text of his speech. I have since re-read his speech very carefully, honourable senators. I saw no specifics of any illegal activities.

Indeed, honourable senators, the first purported example provided in his speech was the time Paul McCartney went to Newfoundland and Labrador to protest the seal hunt. I fail to see how that act was an illegal act by a foundation. We may or may not agree with Mr. McCartney's view or with his methods of demonstrating his protest, but surely we would not seek to ban former Beatles protesting in Canada. What would be next? John Lennon and Yoko Ono should not have been allowed to stage their bed-in for peace at the Queen Elizabeth Hotel in Montreal?

• (1440)

Senator Munson: All they were saying was give peace a chance.

Senator Cowan: Or would John Lennon make it on the “good Beatle list,” while Paul McCartney is relegated to Senator Mockler's “bad and ugly Beatle list?”

Honourable senators, accusing any person or organization of illegal activities is serious business. I am quite sure that if there had been any breach of the rules, the Canada Revenue Agency would have acted. I am not aware that any such action has been taken.

If Senator Mockler has knowledge of illegal activity, he has a responsibility to bring it to the attention of the RCMP and the Canada Revenue Agency.

What then is the real issue for colleagues opposite in and around this inquiry? Since their concerns appear to have been heard and accepted by the Harper government, as we saw in last week's budget, understanding the real issues at play becomes even more important.

The main allegation seems to be that “foreign foundations” are “infiltrating” Canada “under the guise of Canadian charitable foundations.” These are the words that I took from Senator Finley's speech.

These are the kind of words that have been used in this inquiry by honourable senators opposite. Senator Eaton went even further. She spoke of “political manipulation” and “influence peddling.” These are very serious charges, honourable senators. Influence

peddling, for example, is an offence under section 121(1) of the Criminal Code and is punishable by up to five years in prison. If Senator Eaton has knowledge of influence peddling and is not simply engaging in a drive-by smear under the protection of parliamentary immunity, she should contact the appropriate authorities.

On the issue of foreign influence, Senator Plett seemed to sum up the crux of the argument being made by colleagues opposite, when he said:

Canada is indeed a sovereign nation, which is why foreign entities should simply not be allowed to meddle in the Canadian regulatory process under the guise of charities.

Senator Mockler took the same position. He said:

We must together put a stop to the interference of foreign foundations in Canada's domestic affairs.

I must tell honourable senators that I find the direction in which this seems to be going deeply troubling.

There are many students of history in this chamber who recall, as I do, another Senate investigation, in another country, into foreign infiltration of domestic organizations. The McCarthy hearings in the United States were not a high point in that chamber's history.

The rhetoric that has been employed in this debate is reminiscent of such low periods in history — listing “good” versus “bad and ugly” foundations, telling Canadians to beware of “foreigners” who are “infiltrating” our charitable organizations — Senator Mockler even used the word “hijacking” — and Senator Plett went so far as to suggest that environmentalists would take money from al Qaeda, Hamas and the Taliban. Senator Duffy contributed that such activities were “anti-Canadian.”

Honourable senators, instead of an international communist conspiracy, apparently we now have an international environmentalist conspiracy. Is today's Senator McCarthy question going to be: “Are you now or have you ever been a member of a conservation society?” Is that what we will be asking witnesses who appear before our Senate committees?

Honourable senators, this may seem far-fetched.

Some Hon. Senators: Yes, it does.

Senator Cowan: Remember the words used by Senator Finley: “foreign foundations” who are “infiltrating” Canada, environmental organizations whose secret intent is to “undermine” and “do irreparable damage” to Canada's economy. According to Senator Finley, that is what Canadians must stand on guard against.

Honourable senators opposite appear to want two things: Senator Eaton and Senator Finley seemed to be arguing for greater transparency about all sources of income received by

charitable organizations, whether or not charitable receipts are issued. At first blush, that seems unobjectionable, subject to the privacy concerns raised by Senator Nancy Ruth during the debate last Thursday.

Honourable senators, I understand that organizations like Tides Canada and the Suzuki Foundation — two of the charitable organizations singled out for particular attack by senators opposite — are very transparent about their funding. Indeed, some might question whether supporters of the government would be better to address their calls for transparency to their own leader. Prime Minister Harper to this date has refused to make public the full list of donors to his leadership campaign in 2002. Canadians do not know whether he is in any way beholden to foreign organizations, and I rather think that the Prime Minister wields more authority in this country than the Suzuki Foundation.

Senator Munson: He likes to travel.

Senator Cowan: The second goal of members opposite seems to be for legislation or regulation of foreign funding for these charitable organizations. Senator Plett said:

We need to ensure that we protect our sovereignty from the manipulation of foreign interests and lobbyists who wish to exploit our regulatory processes for their own agendas, agendas that are clearly against Canada and Canadian sovereignty.

Senator Mockler said:

... the time has come for the Canada Revenue Agency to close that gap, to close the loopholes for those foreign foundations with their sole purpose of making Canada look unpleasant and undesirable in other parts of the world.

Honourable senators, these are not new ideas. Senators opposite are certainly not the first politicians to express such concerns and to want legislation to control foreign funding of domestic non-governmental organizations. A few years ago, another influential politician said words very similar to those we have heard in this inquiry. He said: "We are for their," and he was referring to NGOs, "funding being transparent . . . we don't want them to be led by puppeteers from abroad."

That was President Vladimir Putin of Russia. In 2006, he signed a law giving Russian authorities wide-ranging powers to monitor the activities and finances of NGOs. President Putin said he was particularly concerned about activities that, in his words, "threaten Russia's sovereignty and independence." Does that sound familiar?

The law that was passed in Russia in 2006 blocked foreign-funded NGOs from "carrying out what amounts to political activity" in Russia. As President Putin explained, "Whether these organizations want it or not, they become an instrument in the hands of foreign states that use them to achieve their own political objectives." What an example for Senators Eaton and Plett and Prime Minister Stephen Harper to follow.

The Putin law was roundly and justifiably condemned by Human Rights Watch, among a long list of others. Indeed, some observers said the law made Russia "ill-suited for international leadership roles like its [then] chairmanship of the G8 group of the world's major industrialized countries." That, honourable senators, was a quote by Radio Free Europe/Radio Liberty about the law. I wonder how it would characterize the proposal by Senator Eaton and the support it is receiving from the loyal supporters of the Harper government?

Is Putin's Russia really the model for Canada? Is that a precedent we should follow? This government already has the unfortunate distinction of being the first Canadian government in history to be denied a seat on the UN Security Council. Do we really want international human rights advocates and others now to be debating whether Canada should lose its position in the G8?

Honourable senators, I am not afraid of free speech. I celebrate it and I will proudly and emphatically defend it. However, I worry when someone — particularly a parliamentarian representing the government of the day — stands and suggests that we should silence Canadians because they are "under the influence" of "foreigners" who want to undermine Canadian peace and prosperity.

Let us be clear, honourable senators: reasonable people can disagree about what is a good and a bad policy choice. The Canadian way, as exemplified in our Charter of Rights and Freedoms, is to allow free and open debate — the marketplace of ideas. I am frankly a little surprised to see Conservative colleagues, who I would have thought believed in the free market above all else, seeking to somehow control and even suppress the expression of those ideas with which they happen to disagree.

• (1450)

Let us also be very clear: Foreigners do not have a monopoly on concerns for the environment. Many Canadians right across this land share a deep concern for our environment. Many Canadians are genuinely concerned about the impact of the oil sands development and possible problems resulting from pipelines carrying crude oil. It is patronizing and insulting to dismiss their very real, serious concerns as a result of foreign influences, or in Senator Eaton's words, "has-been and wannabe movie stars."

Canadians are highly intelligent, discerning individuals. They are capable of making up their own minds about issues. They do not need this government intervening to keep ideas out of earshot.

Environmental issues are not simply local or domestic issues. Nature does not recognize political boundaries. That is why international cooperation on environmental issues is vital. We should not be surprised if our American neighbours have an immediate interest in environmental issues in Canada. Likewise, I would hope and expect our government to recognize that Canadians have an interest in what happens south of the border if a danger is posed to Canada and our environment.

The Progressive Conservative government of Prime Minister Brian Mulroney certainly recognized this during the acid rain debates. In the 1980s, there were Canadian environmental groups

who went to the United States to lobby American decision-makers to try to bring an end to the scourge of acid rain. Would Senator Plett say that was wrong and an intrusion into the sovereign affairs of the United States of America? Should concerned Canadians have remained silent as they watched their lakes die?

I wonder how Senator Eaton would have viewed a counterpart in the United States Senate at that time had they criticized Canadian environmental groups as a threat to the vital coal industry of the Appalachians. Should Canadian environmental groups have been silenced?

The Government of Canada and representatives from our oil industry have not hesitated to go and lobby in other countries, not because their policies pose a danger to Canadian soil, but because their policies are seen not to be in Canada's economic interests. There were extraordinary lobbying efforts focused on the U.S. government and the American public with respect to the Keystone Pipeline project.

In London, England, Canadian taxpayers funded a two-day lobbying retreat, what one newspaper dubbed "Oil Lobbying for Dummies." Our government convened a meeting that brought together Canadian diplomats from 13 different European posts. Ottawa-based consultants were flown over to England for the event, together with industry stakeholders, such as Shell Oil, Statoil, Total, the Royal Bank of Scotland and the Canadian Association of Petroleum Producers. There was a presentation on how to conduct advocacy in Europe and a session entitled "Address Criticism and Emotions."

Many Canadians might think that big oil has the money to do this kind of lobbying on its own, that Canadian taxpayer dollars should not be spent so freely on junkets to London in support of the oil industry, when Canadians are being told that Old Age Security will have to be cut back, along with spending on health care and education. Yet senators opposite are indignant when some of our American neighbours try to express their views in Canada about our oil policies.

A few weeks ago, the news broke of a secret high-level committee that was formed in 2010, specifically to coordinate the promotion of the oil sands. That committee brought together the president of the Canadian Association of Petroleum Producers, with deputy ministers from Natural Resources Canada, Environment Canada, Alberta Energy and Alberta Environment to synchronize their lobbying offensive in the face of mounting protest and looming international regulations targeting Alberta crude.

Plans to form this committee were apparently first discussed at a March 2010 meeting in Calgary involving high-level officials from CAPP; CEOs from the oil and gas companies; senior federal and Alberta government officials; and Bruce Carson, the former close adviser to Prime Minister Harper who went back and forth between working in the PMO and heading up the new Calgary School of Energy and Environment, established with a federal grant of \$15 million.

Some Hon. Senators: Oh, oh.

Senator Cowan: Then, of course, there was an investigation into possible illegal lobbying by Mr. Carson for his former escort fiancée and revelations about other questionable activities. Mr. Carson fell out of favour as this became public, but the secret committee he established evidently lives on.

Honourable senators opposite are focused on trying to stop legitimate registered charitable organizations in Canada from having any voice. Somehow I am not worried that these charitable organizations have so much muscle and money as to have an unfair advantage over the combined efforts of big multinational oil companies and the federal government, which is prepared to fly dozens of officials overseas for a retreat on how to lobby for big oil.

Our registered charities work hard to raise money for causes that are important to Canadians. The people giving the money do not influence the causes; they choose the charity that is working for the cause that they support.

I understand that some wealthy donors are reputed to give money only if the results support the positions they endorse. I am thinking in particular of the billionaire Koch brothers, who reportedly donate large sums of money to the Tea Party in the United States and have also given money to the Fraser Institute in Canada.

Koch Industries is, of course, a very large oil company, with annual revenues estimated at \$100 billion. They have spent millions funding environmental skepticism. Dave Koch has been clear about his family's tight ideological control of its donations. This is what he said:

If we're going to give a lot of money, we'll make darn sure they spend it in a way that goes along with our intent. And if they make a wrong turn and start doing things we don't agree with, we withdraw funding.

Honourable senators, I must say that I have never heard of donors to Canadian environmental charities seeking to direct the results of their donations like that. However, I appreciate that this is an important issue, and if indeed, as senators opposite have suggested, this is happening, as it appears to be happening for those who wish to argue against the science of climate change, then this is something that should be examined further.

Tides Canada has been quite clear that it is fully transparent about its donors, but as Senator Mitchell told us, organizations such as the Fraser Institute are not so open or transparent.

There are also, of course, other organizations such as Focus on the Family, for example, that are registered Canadian charities and are deeply involved in often controversial issues of public policy. Focus on the Family has reportedly received over a million dollars in services from its U.S. counterpart. How much of that supported lobbying efforts in Canada against our policies on same-sex marriage and abortion rights?

It is ironic that as honourable senators opposite are calling for increased transparency about foreign donors to environmental causes, the Harper government is refusing comment about allegations that climate change skeptics in Canada have been getting money from the U.S. Heartland Institute. The Heartland Institute is well known for funding work and engaging in advocacy that casts doubt on the scientific evidence linking climate change to human activity. Indeed, its website boasts that its GR staff made “more than a million contacts with elected officials in 2010.” A million contacts with elected officials. Were any of these in Canada?

The office of Environment Minister Peter Kent said about the allegations of this funding, “we will not be commenting on these matters.” That is what the Harper government really thinks about transparency: no comment.

Honourable senators, I appreciate that senators opposite believe that Canadians should know more about the activities and funding of registered charities, since registered charities benefit from our tax laws. However, it is rather strange that they are focusing on foreign funding of charitable organizations.

• (1500)

Foreign donations would not receive any taxpayer-subsidized benefit under Canadian law. There is no charitable receipt that can be issued for Canadian tax purposes unless there is Canadian income for it to be deducted against. Senator Day raised that question with Senator Eaton when she spoke to this inquiry. Honourable senators will recall that she dismissed that as a very technical question.

Honourable senators, this surely is not a very technical question. Surely the benefit under our tax laws is the very crux, the lynchpin, of her argument.

That tax position may be contrasted with the position of corporations such as big oil companies. As I have discussed, there is much lobbying on these same issues by large corporations which are then able to deduct the cost of their advocacy and lobbying, including large fees paid to powerful lobbyists and lawyers as business expenses. In other words, those lobbying efforts are being subsidized by the Canadian taxpayer, who may profoundly disagree with the issues being advanced by those lobbyists behind closed doors.

I am sure we all agree that one of the things the Senate does best is to conduct a serious study of a particular issue. Before last Thursday's budget, I planned to suggest that the concerns raised in this inquiry, especially some of the serious allegations made, should be subjected to closer scrutiny by a serious study in a Senate committee. Of course, and I am sure there was agreement on this, we cannot in good conscience look at one side, the charitable organizations, without equally looking at the other side, the corporate lobbying deductions, particularly when foreign donors to charitable organizations do not gain any benefit under Canadian tax laws for their donations, whereas those corporations certainly do receive a taxpayer-subsidized benefit.

Like many Canadians, I was astounded to see, buried at page 205 of the almost 500-page Budget Plan of the Harper government, that the Harper government had recently decided

that the Income Tax Act should be changed “... to restrict the extent to which charities may fund the political activities of other qualified donees ...”

Recently concerns have been raised that some charities may not be respecting the rules regarding political activities. There have also been calls for greater public transparency related to the political activities of charities, including the extent to which they may be funded by foreign sources.

Accordingly, in a budget otherwise focused on austerity and cutting government back, the Harper government is allocating an additional \$8 million to the Canada Revenue Agency so it can ensure that charities follow the rules. The government will be introducing what it calls “new sanctions for charities that exceed the limits on political activities.”

Honourable senators, what will be next — mandatory minimum sentences for anyone daring to speak out at an environment assessment hearing or who writes an op-ed against the export of asbestos? Bill C-10 ushered in a new era of a war on drugs for Canada. Is the Harper government now proposing to launch a war on charities as well?

I mentioned earlier in these remarks that the Chrétien government's 2003 policy statement was the result of months of broad consultations. The policy document itself was produced in draft form by CRA and made available for public input — the Liberal government's standard operating practice with new policy documents — and then it was finalized. Honourable senators, I am aware of no public consultation in relation to these changes.

According to a report published in the *Toronto Sun* over the weekend, this change was introduced by the government because “... Ezra Levant went ballistic — as did *Sun News* ...” over activities of the David Suzuki Foundation. According to the report, a government spokesman made a point during the budget lockup of ensuring that at least Sun Media noticed the changes to the rules governing charities. This spokesperson called it “the Ezra rule.”

“Did you see the Ezra rule?” asked a government spokesman ... “Page 204,” said the spokesman. “At the bottom.”

Honourable senators, that is how public policy is now being made — no fact finding. Once again, why look at the facts? Evidence-based policy making is so Liberal government. The Conservative government is no facts, no consultations — silence the critics, bury them in reporting and red tape, and vilify anyone who dares to disagree. Indeed, now they are, in Senator Duffy's words, “anti-Canadian.”

Is *The Globe and Mail* anti-Canadian? They had a very thoughtful editorial on Saturday. Indeed, it was their lead editorial. It was headed “Beware of foreigners bringing money” and began:

The Conservatives are continuing in their dishonourable attack meant to intimidate environmental groups, in a budget item that stands out for adding a needless new cost.

It was referring, of course, to the \$8 million allocated to the CRA under the budget. The next sentence says it all:

Witch-hunts don't come cheap.

The editorial continued:

Foreign sources? It's not illegal for Canadian charities to take money from outside the country. And why should it be? If a Canadian cancer researcher, or a program to keep inner-city youth in school, receives money from a foreign foundation, is anything wrong with that? Why, then, is it wrong for an environmental group?

We live in a globalized world — the phrase is nearly as ubiquitous as what it represents. The Canadian government is only too happy to solicit foreign capital, foreign students (it has special scholarships for them), foreign culture, foreign labour. But foreign charitable donations for advocacy? Why, they're a threat to the Canadian way of life!

The editorial concluded:

Environmentalists have every right to seek out foreign donations, just as foreign oil companies have every right to make their views known on the perceived benefits of the Gateway pipeline. The pipeline may turn out to have great benefits for Canada, but the environmental risks need to be discussed, and the federal government ought to respect the rights of Canadian charities to raise money abroad and express, in a non-partisan way, their concerns. Who is the hijacker here?

I agree. By the way, while we all understand that the target of the government's campaign is environmental charities, in fact the rules which are being proposed affect all charities across the board. I said earlier, and I understand from my consultations with folks in the charitable sector across the country, that the 2003 rules are clear and well understood. By contrast, the new rules, at least the ones set out in the Notice of Ways and Means Motion to Amend the Income Tax Act set out in Annex 4 of the Budget Plan, are circular and manifestly unclear.

I can only hope that the lack of clarity is not a deliberate attempt to put a chill on charities. After all, the sanction imposed is very severe. As set out on page 437:

Budget 2012 proposes to grant to the CRA the authority to suspend for one year the tax-receipting privileges of a charity that exceeds the limitations on political activities.

If a charity provides inaccurate or incomplete information in its annual information return, the tax-receipting privileges will be suspended.

Meanwhile, let me read to you the new definition of "political activity" that the budget will introduce into the Income Tax Act.

... political activity includes the making of a gift to a qualified donee if it can reasonably be considered that a purpose of the gift is to support the political activities of the qualified donee;

"Political activity" is defined to include a gift if it can be reasonably considered — it does not say by whom, perhaps by the minister — that a purpose, not the sole or even the primary purpose, just a purpose, is to support the political activities of a qualified donee. Is that clear to honourable senators? It is certainly not clear to me.

• (1510)

One has to know what political activities are in order to understand and apply the definition, and this would be in our Income Tax Act with severe sanctions for it is violations.

Honourable senators, I am deeply concerned that the effect, if not the purpose, of these changes will be to put a chill on the political engagement of our charitable organizations. I mentioned the cautionary tale of the law introduced by Vladimir Putin to impose tighter controls on non-governmental organizations. A report prepared by Human Rights Watch about the impact of the law was entitled *Choking on Bureaucracy: State Curbs on Independent Civil Society Activism*. Articles about the terrible law had headlines like "Putin's war on civil society."

Let us be clear, honourable senators, that what is at stake is nothing less than the quality and freedom of our civil discourse. I realize that the stakes have been raised considerably by the budget last week. I believe that it is therefore even more important that we act quickly to give this issue the serious study it deserves, to understand the ramifications of the issues that have been raised and also to ensure that our policy is consistent with respect to advocacy and that we are not singling out charities for special and, I would say, unfair treatment.

I therefore would like to propose that we give a reference to our Standing Senate Committee on National Finance to study this issue.

To this end, at the next sitting, after we return from the break, I will give notice of a motion that the Standing Senate Committee on National Finance be authorized to examine and report on the tax consequences of various public and private advocacy activities undertaken by charitable and non-charitable entities in Canada and abroad, and that in conducting such a study, the committee take particular note of, first, charitable entities that receive funding from foreign sources; second, corporate entities that claim business deductions against Canadian taxes owing for their advocacy activities, both in Canada and abroad; and third, educational entities that utilize their charitable status to advocate on behalf of the interests of private entities.

Honourable senators, I must say that it is my impression that Canadian registered charities understand very well the line between acceptable political activities and unacceptable ones. As I have said in these remarks, to my knowledge there has been no suggestion from the Canada Revenue Agency that any Canadian registered charity has violated the law and breached that line by any activities raised in this inquiry.

I do not believe in witch hunts, and I do not believe that because an individual or an organization takes a different position from mine that is a valid reason to single it out and suggest that it is somehow nefarious or seeking to undermine the Canadian economy or incite Canadians against their government.

I believe strongly in freedom of speech, and I have seen nothing to suggest that any of our registered charities are abusing that freedom. To the contrary, I am personally proud of the work of organizations like Tides Canada and the David Suzuki Foundation. I believe we have much to be grateful to them for, but I am not afraid to refer these questions to our National Finance Committee, provided of course that we examine all tax and revenue implications of public and private advocacy and do not single out charities more than their corporate counterparts.

Thank you, honourable senators.

Some Hon. Senators: Hear, hear.

The Hon. the Acting Speaker: Senator Patterson, is that a question?

Senator Cowan, will you entertain a question?

Senator Cowan: I will.

Hon. Dennis Glen Patterson: Thank you, honourable senators. I am shocked that this has become a diatribe about free speech with allegations of McCarthyism and Putin-style suppression of free speech.

In my comments, which the honourable senator did not refer to, I specifically said it was not about free speech but about transparency and permitted political activities.

I believe the honourable senator spoke positively about Senator Wallace's thoughtful remarks on this issue. Senator Wallace did say that there were limits on permitted political activities of charities, according to legislation and case law.

I would like to ask the honourable senator if he thinks there should be any limits on permitted political activity by charitable organizations. I think he mentioned election campaigns might be something not permitted.

If he does think there are to be limits, would he not agree that it is appropriate that the Canada Revenue Agency monitor and enforce them?

Senator Cowan: I thank the honourable senator for the question. I do believe there should be limits. I do not think charities should engage in partisan political activity. As I have said, there are guidelines that have been in place since 2003. As Senator Wallace pointed out in his remarks, there are very clear guidelines, and there are limits on the amount of resources a charity can spend on political activities. I do not think charities should be engaged in election campaigns or partisan activity. I think the rules that have been in place for the last 10 years have worked well, and people that I have spoken to in the charitable

sector — and I said this several times during my speech — understand where the lines are. I think they are quite happy to abide by them.

As to whether the Canada Revenue Agency needs more resources in order to police the system, I am not aware that they do. I am confident that they have been watching these activities of charitable organizations over the last 10 years and I am not aware that it is a problem.

The answer is, yes, I do agree that there should be limits on the political activities. I think that the limits that are currently in the guidelines and legislation are adequate. I was not aware, until Senator Eaton raised this issue a few weeks ago, that there was a problem.

Hon. Percy E. Downe: I wonder if the Leader of the Opposition in the Senate would take another question.

Does he share my surprise that the government will contribute additional funding to the Canada Revenue Agency to go after charities but will not contribute any additional funding to go after overseas tax cheats?

Senator Cowan: I thank the honourable senator. He brought to our attention a few weeks ago this issue and the inaction of the government on that front. Hopefully we will hear from a number of senators to contribute to that debate as well.

It is passing strange that this is a target. If they are really after money, then one would think that that \$8 million would go a long way to catching some of the tax cheats that the honourable senator referred to in his inquiry, whose names have been in the hands of the government for a considerable period of time.

Senator Downe: We noticed yesterday when the Auditor General filed his report that there was a specific section on the revenue agency. To give an example of how far that \$8 million could go, the Auditor General highlighted that the Canada Revenue Agency has the Non-Filer/Non-Registrant program that deals mainly with GST registration requirements and people who do not comply. The total budget for this wing of the CRA is \$39 million. This is out of a departmental budget, according to the Auditor General, of \$4.5 billion.

This wing, which has a budget of \$39 million, employs only 700 people but in the past was able to generate an additional \$2.8 million for the Canadian government from unpaid taxes for the fiscal years 2009-10 and 2010-11. One can imagine what an additional \$8 million or any funding for finding overseas tax cheats could do. This refers mainly to domestic concerns.

If the funding can be reallocated so quickly by the government for their new interest in charities, why can they not provide any funding to find overseas tax cheats?

• (1520)

The honourable senator quite correctly confirmed what the CRA has confirmed, in the Senate, in writing, that four years after 106 Canadians were identified for hiding over \$100 million in Liechtenstein, not one person has been charged, unlike in the

United Kingdom, where eight months after the information was received, people were charged. Australia, the U.S. and other countries have all acted; Canada has not. They now have an additional 1,700 names from one bank in Switzerland, and two years later there are no charges.

Why will the government identify charities as a priority but not wealthy Canadians with hidden overseas accounts? Does the honourable senator have any comments on that?

Senator Cowan: What the honourable senator says makes good sense, as usual. It seems to me that if the object is to try to put resources where there's going to be a return, then chasing those people who have already been identified as having breached our laws and who have the resources to respond to any judgments that might be entered against them, if one is going to get a return on one's investment, then that would be where it is.

However, honourable senators, I fear that what we are doing here is because some supporters of the government are manufacturing an issue and the government has responded, as I said in my speech; without any apparent public consultation, without any attempt to speak to the people who are actually engaged in this business across the country, they have now manufactured and raised the spectre of this issue, and now we will throw some money at it and hope it goes away.

That is the reason I suggest that the appropriate way for us to deal with this is to make a reference to our Standing Senate Committee on National Finance and have it do a study. However, it needs to be a balanced study. If there is a problem with our charities, by all means we should address it, but let us not just pick one part of it; let us look at all the parts.

It is not clear to me. Senator Eaton dismissed Senator Day's question as a complex technical problem, but the crux of her argument was that foreign foundations funnelling money into Canada through Canadian foundations is somehow an abuse of our tax system. I do not see the connection there. I do not see how there could be any tax consequences. I am not arguing whether it is a good thing or not, but I do not see the tax consequences. However, if there are tax consequences, I am sure that our Senate committee could do an admirable job of a study in that regard and we would all be the wiser when it was done.

Hon. Nicole Eaton: I thank the honourable senator for his thoughtful, non-partisan rebuttal. The issues he raised show that we need a debate on this. It is very interesting and there is a lot of feeling on both sides of the chamber about this issue.

That said, honourable senators, I have spent my life in the charitable sector raising money in academe, hospitals and cultural institutions. Yes, they have done lobbying, which is different from political activity. Yes, they have done expert testimony, which is again different from political activity.

The Hon. the Acting Speaker: I remind the honourable senator that she must have a question, as she has already spoken.

Senator Eaton: I do have a question.

What troubles me is when I see the end of our seal hunt in Atlantic Canada and the de-marketing of our salmon in British Columbia, and we cannot tag the millions of dollars. Well, we can, but not easily. It takes someone like Vivian Krause to go through two or three permutations before they find that a lot of the money came from the U.S.

Can the honourable senator tell me what business the U.S. has to de-market our salmon farms on the B.C. coast or our seal hunt?

Senator Cowan: As I said in my remarks, on the transparency issue, I have no problem with that. I think we should be transparent. I understand that was a major issue.

The honourable senator will also agree with me that one of the things she was talking about is that somehow this is an abuse of our tax system. I could not make that connection, nor could Senator Day. I would hope that the honourable senator would support a reference to a committee so that we could get to the bottom of this.

I have no difficulty with transparency, honourable senators. Senator Nancy Ruth raised some issues about privacy. We obviously have to be concerned about that and there may need to be some parameters around disclosure. However, on the face of it, I see no reason why charities should not disclose where they get their money and where their money goes.

Some Hon. Senators: Oh, oh.

Senator Cowan: If I could continue to answer. Senator LeBreton would like to speak.

Senator LeBreton: You had a big problem —

Some Hon. Senators: Oh, oh!

The Hon. the Acting Speaker: Order.

Senator Cowan: May I continue?

The Hon. the Acting Speaker: It is the honourable senator's time.

I want to remind honourable senators who may raise the question, because the question was asked, that both honourable senators have unlimited time to speak on an issue like this one, and that includes the question. For those who are inclined to question why it is so long, it is completely in order to entertain all the time the leader wants to use for questions and answers.

Senator Cowan: Honourable senators, I have no difficulty with the concept of disclosure. I have spent a lot of time in the charitable sector as well and I have raised a lot of money for many different institutions, although perhaps not to the extent that the honourable senator has. However, I certainly have asked many people for a lot of money over the years.

I am sure the honourable senator would agree with me that the people one talks to about giving money are much more concerned now than they were, say, 10 or 15 years ago about how much of

the money they give will be spent on administration and how much will actually go to supporting the cause. I think the honourable senator would agree with me that that is a good thing.

Anything we can do to make that more transparent, and if we need to make a change in our law or our practice to ensure that happens, I fully support that. I have no difficulty with that.

Senator Duffy: What is the problem?

Senator Cowan: That is the question. It is apparently un-Canadian.

Senator Patterson: Senator Cowan did not refer to my participation in this inquiry, but I did point out in my remarks, first, that it does not appear to be easy to track the donations from foreign charities through to Canadian charities because they are often, I will not say laundered, but channelled through a series of devices, including PR firms and charities, that make it difficult to expose.

Second, I pointed out that Canadian laws on disclosure — and I am pleased the honourable senator accepts that transparency is desirable, subject to the privacy issue — are much less rigorous than the comparable laws imposed by the Internal Revenue Service of the United States on American charities.

I would like to ask the honourable senator the following: If it could be proven — and I welcome further investigation — that Canadian disclosure requirements are significantly less when it comes to the salaries of those involved in charities and when it comes to the purposes and the amounts of donations, would the honourable senator agree that perhaps Canadian laws could be improved in that respect in promoting fuller transparency so that we can determine the source of funds, just as we want to do this for political and leadership campaigns and in the partisan political sector?

Senator Cowan: As I have said, honourable senators, I have no difficulty with the transparency. Frankly, I was not aware this was a problem until it was raised here. I think we should look at whether we can improve the transparency so that Canadians can see where money is going, particularly money that is receipted, because there is a tax consequence to that. Subject to privacy laws, I have no difficulty with that and I would fully support it. I would hope that is the very kind of thing we could look at in the course of a study by our Senate committee.

• (1530)

Senator Downe: Honourable senators, this question will be much shorter than the previous one. The real problem with disclosure rules and the Canada Revenue Agency does not pertain to charities, although that is a problem. The biggest problem — and it verges on questioning how the CRA is run — is what happened in Liechtenstein. When we asked the Government of Canada if any of the 106 people who were hiding taxes overseas were eligible for the voluntary disclosure rule, where any Canadian can come forward to the CRA and disclose that they have not been paying their taxes and receive a reduced fine and settle their account, we were advised in writing that because the

names were given to the government, none of the 106 were eligible for the disclosure. A year later the government flip-flopped, changed their policy and advised us, again in writing, that 20 of the 106 were now eligible. What is the sense of having disclosure rules if the CRA is not enforcing the ones they currently have?

Senator Cowan: That is a good question and it is good that the honourable senator has raised it. I always understood that once one knew that the Canada Revenue Agency was on one's tail, then any of these voluntary disclosure exemptions and loopholes were closed. However, as we have seen in a fairly high profile case not so long ago, that does not appear to be the case. I think the honourable senator has made a good point.

(On motion of Senator Segal, debate adjourned.)

[Translation]

ELECTORAL RIDING REDISTRIBUTION

INQUIRY—DEBATE ADJOURNED

Hon. Maria Chaput rose pursuant to notice of April 2, 2012:

That she will call the attention of the Senate to the process for readjusting federal electoral boundaries and the impact it could have on the vitality of official language minority communities.

She said: Honourable senators, today I would like to talk to you about the process for readjusting federal electoral boundaries and the impact it could have on the vitality of official language minority communities.

Currently, 10 three-member commissions are drafting new electoral maps for each of Canada's provinces. Several of these commissioners have a more difficult task ahead of them because, under the Fair Representation Act, Ontario, Quebec, Alberta and British Columbia will have additional ridings.

This spring, each of the 10 commissions will publish a proposed electoral map in the *Canada Gazette* and in at least one major newspaper in their respective provinces.

The proposed map will be accompanied by a notice indicating dates, times and locations of public hearings. People wishing to participate in the public hearings must inform their province's commission within 23 days of the publication of the notice.

Following the public hearings, the commission can rework the proposed map, which the Chief Electoral Officer will then submit to the House of Commons.

Canadians must be prepared to take a very careful look at the proposed electoral maps and to express their points of view during the public hearings. Electoral boundaries are adjusted only once every 10 years, so people have a civic duty to take the opportunity to participate in the process.

I am addressing this issue today because I have learned in the past that readjusting electoral boundaries can significantly affect the demographic weight of official language minority communities.

In fact, if the necessary precautions are not taken, a francophone community might be divided among two or three ridings, which weakens the strength and demographic weight of francophones in all the ridings involved.

This happened during the provincial riding redistribution in Manitoba in 2008, when the traditionally francophone communities of Sainte-Anne and Richer were separated from the communities of Saint-Adolphe, Île-des-Chênes, Lorette and Sainte-Geneviève.

Keep in mind that this does not just affect the community's weight during an election campaign. A strong presence within a riding allows the MP to take into consideration the needs and interests of the community, which is not necessarily the case if the minority language community is split between two ridings, where its presence is less felt and its strength diminished.

A strong presence in a riding also makes it easier for the community to take charge of developing its institutional vitality. It is easier to deal with just one MP when discussing a project that will benefit the people of the riding than it is to deal with two or three MPs whose ridings may or may not be affected by the project in question.

However, there are provisions in Canadian legislation that enable communities to defend their rights.

The main criterion the commission takes into account when redrawing the electoral map is the equal distribution of the population among the ridings. The commission does have some flexibility, though. It can, in fact, use its judgment and discretion to create ridings that differ in size from the average riding. It can do so in order to: respect communities of interest or identity (for example, communities based around language or shared culture and history); respect historical patterns of previous electoral boundaries; or maintain a manageable geographic size for districts in sparsely populated, rural or northern regions of the province.

Therefore, each commission has the latitude to keep francophone communities in the same district, even if this has an impact on population equality, within reasonable limits.

The commissions must, of course, take into account the different communities in a given district, but there are provisions in the act that apply specifically to official language minority communities.

First, it is important to refer to the Canadian Charter of Rights and Freedoms. Section 3 of the Charter guarantees the right to vote, and the Supreme Court has ruled that the purpose of the right to vote is to ensure effective representation, not simply equal electoral power.

This principle was applied by the Federal Court in 2004 in *Raïche v. Canada* to set aside a royal proclamation that transferred certain New Brunswick parishes, in whole or in part, from the district of Acadie—Bathurst to that of Miramichi.

The Court ruled that the Federal Electoral Boundaries Commission for New Brunswick had erred in applying the rules governing the preparation of its recommendations for transferring parts of these parishes. The Federal Court therefore set aside this recommendation from the commission and a new commission was formed.

The new commission then recommended returning these francophone parishes to the district of Acadie—Bathurst. The francophone presence was thus maintained and strengthened in this riding in such a way as to respect the institutional integrity and vitality of the community, as per its wishes.

Official language minority communities are also protected by the Official Languages Act. In fact, Elections Canada and the 10 commissions formed for the provinces are subject to the Official Languages Act and, under Part VII, are required, like all other federal institutions, to take positive measures,

enhancing the vitality of the English and French linguistic minority communities in Canada and supporting and assisting their development; and . . . fostering the full recognition and use of both English and French in Canadian society.

The commissions have the legislative obligation to take positive measures to support community development only with respect to official language minority communities.

In this regard, ensuring that changes to the boundaries of electoral districts do not weaken francophone minority communities would be a perfect example of a positive measure. This can also be done by ensuring that these communities are heard and that their concerns are taken into account.

• (1540)

I would be remiss if I did not acknowledge a positive measure taken by Chief Electoral Officer Marc Mayrand. In fact, Mr. Mayrand invited Commissioner of Official Languages Graham Fraser to a conference of the people appointed to the ten commissions and asked him to make the appointees aware of the specific situation of official language minority communities. That initiative deserves recognition.

I should also note that Franco-Manitobans are in good hands. The commission for Manitoba is chaired by Justice Richard Chartier, who wrote the report *Above All, Common Sense*, which redefined the provision of French-language services in Manitoba.

All Canadians have to be sure to carefully review the map that will soon be proposed for their respective province and, if need be, attend the public hearings to express their views. This is not a show of lack of confidence in the commissions or the quality of their work.

Public hearings are part of the redistribution process, so it is up to the communities affected to add to the discussion. Participation in public consultation is really the crucial phase of the process. It is up to the communities in each province to present detailed briefs to the commission during the consultation period. First of all, this will inform the commission members about issues of which they might have been unaware but can still address. In addition, a lack of challenges during consultations could negatively affect any future challenges once the proposed maps are approved by the House of Commons.

Honourable senators, I know that many of you are very involved in your respective communities. It would be very helpful if all of the communities that could be affected by this redistribution participate in the public hearings, the dates of which will be announced shortly, in order to share their observations and suggestions. The commission members who have been given this important task will be the richer for it and we will then be able to trust their wisdom in coming up with a second draft. This is the very definition of participatory democracy.

(On motion of Senator Robichaud, debate adjourned.)

BUSINESS OF THE SENATE

Hon. Fernand Robichaud: Honourable senators, the Standing Senate Committee on Agriculture and Forestry had asked for

\$505,658 and the amount granted was \$237,690. Those figures appear in the *Journals of the Senate* for April 3, 2012, on page 1123.

The Hon. the Acting Speaker: Honourable senators, before proceeding to adjournment, I would like to thank you for your confidence. I hope I have lived up to your expectations.

[English]

Honourable senators, it has been a privilege to be invited by my colleagues to preside over our deliberations. We are now approaching Easter and Passover, so let us hope we will have a good rest.

[Translation]

We will return refreshed and restored in two weeks' time, after a well-deserved break.

Some Hon. Senators: Happy Easter!

Hon. Claude Carignan (Deputy Leader of the Government): I move that the Senate be adjourned so that we can go to confession and be ready for Easter.

(The Senate adjourned until Tuesday, April 24, 2012, at 2 p.m.)

CONTENTS

Thursday, April 5, 2012

	PAGE
Royal Assent	1624

SENATORS' STATEMENTS

Mr. Henk Tepper	
Hon. Pierrette Ringuette	1624
The Late Mr. Jean-Claude Langlois	
Hon. Claude Carignan	1625
National Caregiver Day	
Hon. Catherine S. Callbeck	1625

ROUTINE PROCEEDINGS

Remote Sensing Space Systems Act	
Independent Review Tabled.	
Hon. Claude Carignan	1625
Adjournment	
Hon. Claude Carignan	1625
Charter of Rights and Freedoms	
Notice of Inquiry.	
Hon. James S. Cowan	1626

QUESTION PERIOD

Justice	
Long-Gun Registry.	
Hon. Céline Hervieux-Payette	1626
Hon. Marjory LeBreton	1626
Hon. Joan Fraser	1626

Finance	
Funding for Katimavik.	
Hon. Maria Chaput	1626
Hon. Marjory LeBreton	1627
Hon. Jim Munson	1627

Atlantic Canada Opportunities Agency

Employment Creation.	
Hon. Terry M. Mercer	1628
Hon. Marjory LeBreton	1629

National Defence

F-35 Aircraft Purchase.	
Hon. Francis William Mahovlich	1630
Hon. Marjory LeBreton	1630
Hon. Grant Mitchell	1630

ORDERS OF THE DAY

Energy, the Environment and Natural Resources

Budget—Study on Current State and Future of Energy Sector—	
Third Report of Committee Adopted	1630

Agriculture and Forestry

Budget and Authorization to Engage Services and Travel—	
Study on Research and Innovation Efforts in Agriculture Sector—	
Sixth Report of Committee Adopted.	
Hon. Claude Carignan	1631
Hon. Serge Joyal	1631
Hon. David Tkachuk	1631

Involvement of Foreign Foundations in Canada's Domestic Affairs

Inquiry—Debate Continued.	
Hon. James S. Cowan	1631
Hon. Dennis Glen Patterson	1638
Hon. Percy E. Downe	1638
Hon. Nicole Eaton	1639

Electoral Riding Redistribution

Inquiry—Debate Adjourned.	
Hon. Maria Chaput	1640

Business of the Senate

Hon. Fernand Robichaud	1642
Hon. Claude Carignan	1642



If undelivered, return COVER ONLY to:
Public Works and Government Services Canada
Publishing and Depository Services
Ottawa, Ontario K1A 0S5



41
D32



DEBATES OF THE SENATE

1st SESSION

• 41st PARLIAMENT •

VOLUME 148

• NUMBER 70

OFFICIAL REPORT
(HANSARD)

Tuesday, April 24, 2012

The Honourable NOËL A. KINSELLA
Speaker

CONTENTS

(Daily index of proceedings appears at back of this issue).

Debates Services: D'Arcy McPherson, National Press Building, Room 906, Tel. 613-995-5756
Publications Centre: David Reeves, National Press Building, Room 926, Tel. 613-947-0609

Published by the Senate
Available from PWGSC – Publishing and Depository Services, Ottawa, Ontario K1A 0S5.
Also available on the Internet: <http://www.parl.gc.ca>

THE SENATE

Tuesday, April 24, 2012

The Senate met at 2 p.m., the Speaker in the chair.

Prayers.

SENATORS' STATEMENTS

SYRIA

HUMAN RIGHTS

Hon. Donald H. Oliver: Honourable senators, human rights and humanitarian abuses continuing in Syria were the subject of a conference resolution at the Inter-Parliamentary Union's one hundred and twenty-sixth assembly held earlier this month in Kampala, Uganda. The title of the resolution the member parliaments adopted on April 5 was:

Inter-Parliamentary Union initiative for an immediate halt to the bloodshed and human rights violations in Syria, and the need to ensure access to humanitarian aid for all persons in need and to support implementation of all relevant Arab League and United Nations resolutions and peace efforts.

[Translation]

The IPU, which represents over 160 national parliaments, fully supports the regional and international efforts to find a peaceful solution to this crisis. It will send a fact-finding mission to Syria so that the necessary measures can be taken to put an end to the suffering.

Honourable senators, the Canadian delegation played a major role in the adoption of this resolution.

Before the assembly, our delegation submitted a formal request that an emergency item on the situation in Syria be added to the agenda. Our group believed that it was important to address this topic because of the continuing violence in this country right now.

[English]

As honourable senators know, since March 2011, Syrian citizens have staged protests for democratic reforms. The Syrian government has met those peaceful protests with a violent crackdown that, according to the United Nations, has killed 7,500 and wounded many others. Thousands of civilians have been detained arbitrarily, and there are credible reports of summary executions and torture.

In our proposal to the IPU, the Canadian group argued that "the significant deterioration over the last 12 months of the political, security and humanitarian situation in Syria poses grave risks to the country's civilian population and to international peace and security."

Our request was favourably met by the IPU and its member states. I argued that the IPU can play a pivotal role, as the representative of the national parliaments of the world, in assisting the Syrian people foster political reconciliation and uphold human rights. It led to the eventual adoption of the resolution, as amended, following input from particularly Egypt, the Emirates, the U.K. and France. Many Arab states also called upon and urged the IPU to adopt the resolution.

Honourable senators will also remember that on April 1, Canada imposed additional sanctions to further isolate the Syrian President and those closest to him. Foreign Affairs Minister John Baird said that Canada will continue to support peaceful efforts by the Syrian opposition to achieve freedom for the Syrian people by providing \$1 million for pro-democratic programs. Canada will also contribute \$7.5 million in humanitarian aid.

Honourable senators, the Government of Canada, like the IPU, supports the Syrian people.

As president of the Canadian group, I felt there was a need for the IPU to address the situation in Syria and to express its solidarity and sympathy to the people whose democratic freedoms and human rights were systematically being undermined by their own government.

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of six members of the Royal Canadian Air Force, including its commander, Lieutenant-General André Deschamps. They join us today as part of Air Force Appreciation Day on the Hill, a day when we are reminded of the service and sacrifices made by the men and women of the Royal Canadian Air Force to safeguard our peace and security.

Honourable senators, please join me in welcoming these distinguished members of the Royal Canadian Air Force.

Hon. Senators: Hear, hear!

ROYAL CANADIAN AIR FORCE

Hon. Joseph A. Day: Honourable senators, a week ago in this place I had the opportunity to participate in a debate on Bomber Command and the tremendous contribution of Bomber Command to the Allied effort in World War II. In that speech I called for a permanent reminder in Canada of the tremendous sacrifice on the part of Canadian pilots and ground crew who were part of Bomber Command and who participated in many of the crucial missions at that time.

• (1410)

I am very pleased to advise honourable senators that, on the following day, Veterans Affairs Canada announced that it would be contributing \$100,000 to a Bomber Command memorial to be unveiled in London, England, at the end of June of this year, by Her Majesty the Queen, Queen of Canada and Queen of England.

This, honourable senators, is a laudable contribution that I hope is but the beginning of an effort to create a permanent reminder here in Canada of the contributions of Canadians who participated in Bomber Command during the Second World War.

The response to that announcement by the government has been overwhelming. The tone of the responses that we have received is very passionate and, while there is still much debate on just how Bomber Command should be recognized here in Canada, there is no question that there should be some Canadian recognition.

Honourable senators, our recent missions in Afghanistan and in Libya as part of the United Nations and NATO forces have served as a reminder to us of just how professional, capable and adaptable the Royal Canadian Air Force is as a military force. Our Canadian Forces comprise 65,000 regular force members and approximately 25,000 reserve forces. Of this, the RCAF has 14,500 regular forces and 2,600 reservists.

It is hard to ignore recent headlines about what our air force will look like in the years to come and what equipment it will have, but there is no doubt that the RCAF is undergoing a period of transition. Regardless of the outcome of that, it is comforting to know that the brave men and women of the Royal Canadian Air Force will be there to protect our Canadian values at home and abroad.

I would ask honourable senators to join our guests this evening from five until seven o'clock in room 256-S where we will be celebrating Royal Canadian Air Force Day on the Hill. One of the guests will be Master Warrant Officer (Ret'd) Vic Johnson, who has just retired after 53 years of unbroken service in the RCAF, the Canadian Forces and the Air Force Association of Canada, where he served as editor of *Airforce* magazine. I hope honourable senators will be able to drop by this afternoon to thank these representatives of the Royal Canadian Air Force properly.

Thank you, honourable senators.

[Translation]

FUTURE LABORATORY IN QUEBEC

Hon. Josée Verner: Honourable senators, yesterday, I had the honour of participating in the inauguration of Group Biscuits Leclerc's new health and well-being laboratory in Saint-Augustin-de-Desmaures in the Quebec City region.

The company has invested \$7 million in this new facility, which will bring together nutrition and research and development specialists whose main task will be to innovate in the cookie

and snack market of the future. According to the company, these items may help not only to prevent but also to heal chronic illnesses.

Honourable senators, this is a key step in the development of the company, which has been run by five generations of the Leclerc family, people who have always had great determination, perseverance and vision.

Founded in 1905 by François Leclerc at a time when French Canadian entrepreneurship was the exception rather than the rule, the small company persevered despite various challenges, including two world wars and a major fire, and has today become a jewel in the crown, for Quebec and Canada.

Leclerc employs almost 700 people in five plants in Canada and the United States. Its total sales are \$275 million and its products are exported to some 20 different countries.

In the early 2000s, the company adopted a health promotion and illness prevention strategy. As a result, in 2002, it launched the Vital brand, eliminated trans fats from its products and then, later, marketed its Praeventia products.

In 2007, Health Canada published guidelines encouraging companies in the food and fast food industries to limit the use of trans fats in their products. In 2010, the World Health Organization stated that overweight and obesity would be the epidemic of the 21st century.

More recently, our Standing Senate Committee on Social Affairs, Science and Technology, in its review of the implementation of the 2004 health accord, recommended a pan-Canadian public health strategy to combat this scourge that, according to Health Canada, costs Canadians \$4.3 billion a year.

Honourable senators, this chronology of events not only paints the picture of a company that has provided significant economic spinoffs, but it also shows that the company's vision plays a meaningful role in improving everyone's health.

In 1995, Steve Jobs said:

Innovation is a situation we choose because we have a burning passion for something.

Join me, honourable senators, in wishing much success to the new lab at Biscuits Leclerc, a truly forward-looking company.

[English]

ROYAL CANADIAN AIR FORCE

Hon. Gerry St. Germain: Honourable senators, I would also like to welcome the members of the Royal Canadian Air Force. I concur with what Senator Day has said in recognizing the accomplishments and the work of the men and women of the Royal Canadian Air Force.

I also agree with Senator Day in that I hope politics will be shunted to the side as we make the correct selection of the correct equipment that will best defend this country and the countries

[Senator Day]

that we defend in our everyday work as Canadians in helping those who require the assistance that we can provide. The men and women of the Royal Canadian Air Force deserve the best of equipment. Whether it is the F-35 or whatever else it may be, let us make the right choice and let us put politics on the back burner on such an important issue.

I stand here as a former member of the RCAF, and I hope cooler heads will prevail. Thank you.

[Translation]

ARMENIAN GENOCIDE OF 1915

Hon. Maria Chaput: Honourable senators, today I am joining with the thousands of our Armenian-Canadian citizens who have gathered on Parliament Hill and across the country to honour the memory of the victims of the Armenian genocide of 1915.

On this day, 97 years ago, the Turkish Ottoman government proceeded with the mass arrest of the Armenian intellectuals on its soil. The arrest, deportation and execution of these hundreds of intellectuals was only the beginning of the atrocities that followed. Left without its elite, the Armenian population was brutally decimated in the months and years that followed. More than 1.5 million men, women and children fell victim to an ethnic cleansing campaign that was planned and orchestrated by the central government.

Some 97 years later, the Turkish government continues to deny this crime that was committed by its Ottoman predecessor despite the academic consensus on the genocidal nature of these acts and the fact that a number of countries, including Canada, recognize this genocide.

Ninety-seven years later, the Armenian people continue to fight on two fronts: they are fighting for their rebirth and for the full recognition of this crime. They are fighting for recognition by keeping their language and traditions alive, by establishing and developing vibrant communities throughout the world. And they are fighting for the renaissance of the young Republic of Armenia which, since 1991, has taken its place in the international community.

They are fighting for recognition of this crime to honour the memory of their ancestors and for justice and human rights, to raise awareness and to prevent such tragedies, to encourage mutual acceptance among all peoples, for the Jews of Europe and the Ukrainians, for Cambodia, for Rwanda, for Yugoslavia and Sudan, for all of humanity.

A famous member of the Armenian diaspora, the great singer Charles Aznavour, wrote these lyrics about his people:

They fell . . . never knowing the cause. The women fell as well, and the babies they tendered . . . they fell believing their children could grow . . . they fell like flies . . . all in vain, for just one helping hand . . .

• (1420)

Honourable senators, we will never be able to explain why they fell. Nevertheless, 97 years later, Armenians are standing up for their cause and for all of humankind. I hold out my hand to them and stand in their honour.

[English]

Hon. A. Raynell Andreychuk: Honourable senators, I join in the comments of Senator Chaput. I appreciate her remarks.

THE LEGACY OF METROPOLITAN ANDREI SHEPTYTSKY

Hon. A. Raynell Andreychuk: Honourable senators, today I join with colleagues here and in the other place, friends in the Jewish and Ukrainian communities in Canada, representatives of the Ukrainian Jewish Encounter Initiative and delegates of the Ukrainian Council of Churches and Religious Organizations, in celebrating the legacy of the late Metropolitan Andrei Sheptytsky.

Metropolitan Archbishop Sheptytsky, of the Ukrainian Greek Catholic Church, is being honoured in Canada this week for his extraordinary acts of courage, principle and compassion, particularly towards Ukrainian Jews during the German National Socialist occupation in World War II.

A unifier of Ukrainians of all denominations and ethnicities, Metropolitan Sheptytsky is remembered for having risked his own life to shelter and ultimately save the lives of scores of Ukrainian Jews. The philosophy that guided his actions is perhaps best surmised from his 1942 pastoral letter titled "Thou shalt not kill," which urged the Nazis to recognize the sanctity of human life and to stop murdering Jews.

The scholar Timothy Snyder credits Metropolitan Sheptytsky with having, and I quote, "saved more Jews than almost anyone in occupied Europe."

Representatives of Ukrainian Christianity, Judaism and Islam are in Canada this week to celebrate this legacy, along with Canada's important Ukrainian and Jewish communities, several living members of which credit Metropolitan Sheptytsky with having saved their lives.

I applaud the Ukrainian Jewish Encounter Initiative and visiting delegates of the Ukrainian Council of Churches and Religious Organizations for this initiative. I look forward to joining Canadian community leaders and parliamentarians in welcoming to Canada the Ukrainian Council of Churches and Religious Organizations, which includes senior Jewish, Catholic, Muslim and evangelical spiritual leaders.

The dialogue evoked through this and other events honouring Metropolitan Sheptytsky represents a timely contribution to the ongoing pursuit of human rights that is entrenched in the values of pluralism, religious and political freedom, and inter-ethnic and inter-denominational harmony.

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of members of the Commonwealth Parliamentary Association of the United Kingdom of Great Britain and Northern Ireland. The leader of

the delegation is Ms. Helen Jones, member of Parliament. Accompanying the leader of the delegation, we have Mr. Andy Love, member of Parliament; Mr. Andrew Percy, member of Parliament; and Mr. Mike Weir, member of Parliament. From the House of Lords we have Lord Roberts of Llandudno.

On behalf of all honourable senators, I welcome you to the Senate of Canada.

Hon. Senators: Hear, hear!

THE LATE RORY BECK

Hon. Catherine S. Callbeck: Honourable senators, today I rise to pay tribute to the late Rory Beck, who died suddenly in Charlottetown on April 13 at age 54. At the time of his passing, he was the Clerk of the Executive Council and Secretary to the Cabinet in Prince Edward Island. He will be remembered as one of the province's most outstanding public servants.

Rory Beck was totally committed to the service of his province and fellow citizens. His professionalism and dedication, along with his wide experience and extensive knowledge, earned him the deep respect and admiration of his colleagues. He always provided strong leadership and sound advice and exemplified the highest standards of public service.

Rory Beck will long be remembered for his many accomplishments while serving in various provincial administrations. He was instrumental in the municipal amalgamation initiative, which led to the creation of an expanded and strengthened City of Charlottetown, the new City of Summerside, as well as other amalgamated areas. Perhaps the most memorable was his involvement with the Confederation Bridge, the largest capital project ever in the history of Prince Edward Island. His valued participation leading to its construction helped to ensure the overwhelming success of that project.

Rory Beck helped to spearhead a comprehensive and highly successful government reform initiative to establish a more streamlined and effective public administration.

Like many other Canadians, he was also an avid hockey player and fan. He was a member of the Charlottetown Islanders hockey team when it won the national Hardy Cup in 1981. He was president of a highly successful Junior A hockey club in Prince Edward Island and was a popular minor hockey and baseball coach. He instilled in others a spirit of healthy competition and teamwork, qualities that were also reflected in his public service career.

Rory Beck had a wide circle of friends and lived life to the fullest. He will be sorely missed, not only in the halls of government but also in the hearts and minds of all those who knew him.

He will be missed most of all by his wife Gaylene and his three sons, Luke, Jacob and Dylan, his mother, his four brothers, his sister and other members of his extended family. It is difficult to lose a loved one, especially one who was at the prime of his life and career. To them I offer my sincerest condolences during this very difficult and tragic time.

GLOBAL MATERNAL AND CHILD HEALTH

Hon. Salma Ataullahjan: Honourable senators, you may recall that I spoke to you in November regarding my role as the Canadian co-rapporteur for a draft report of the Inter-Parliamentary Union on maternal and child health.

Along with my colleagues from Uganda and India, I presented a report that stressed the role of parliaments in addressing key challenges to securing the health of women and children. The report and the feedback we received from deliberations served as a basis for an IPU resolution that would be considered at the one hundred and twenty-sixth assembly in Kampala, Uganda. At the time, I was looking forward to reporting back to you with the result.

Honourable senators, having recently returned from the one hundred and twenty-sixth assembly, I am pleased to report that the resolution passed unanimously on April 5. Leaders of nearly 120 national parliaments called for all members to take all possible measures to achieve the Millennium Development Goals 4 and 5 on maternal and child health by 2015. This is the first time a resolution has been passed in the IPU on the health of women and children.

The resolution was modelled closely on the key messages in our report: that parliamentarians should raise awareness about maternal, newborn and child health, and generate and sustain the political will to achieve the MDGs; that they should introduce and amend relevant legislation and scrutinize the implementation of legislation; and that they should monitor and provide effective oversight of budgetary appropriations, policy commitments and programs.

This is a major achievement for the IPU and for Canada. Canada has significantly supported women and children's health through the Muskoka initiative, our support to the Global Strategy for Women's and Children's Health and our Prime Minister's co-chairmanship of the Commission on Information and Accountability for Women's and Children's Health.

The Canadian Parliament will host the next IPU Assembly in Quebec City this upcoming October. We look forward to supporting and facilitating the implementation of this resolution.

Honourable senators, I would lastly like to mention that this achievement could not have been possible without the support staff of the Canadian Group of the IPU and the Library of Parliament. I thank them for their hard work. Here I must also recognize the IPU for the important work it does in bringing together parliamentarians from all over the world to discuss and find solutions to issues that affect all nations.

JOURNALISTS AND MEDIA WORKERS LOST IN THE LINE OF DUTY

Hon. Joan Fraser: Honourable senators, again this year I rise to bear witness to the more than 50 journalists and media workers who died in 2011 because they were journalists.

Nearly half of the journalists were murdered outright. Others were killed in crossfire or combat, as they were doing their jobs. Others were killed on dangerous assignments of one sort or another covering demonstrations, riots, mobs and racial clashes.

• (1430)

They were: in Afghanistan, Ahmad Omaid Khpalwak and Farhad Taqaddosi; in Azerbaijan, Rafiq Tagi; in Bahrain, Zakariya Rashid Hassan al-Ashiri and Karim Fakhrawi; in Brazil, Edinaldo Filgueira, Luciano Leitão Pedrosa and Gelson Domingos da Silva; in the Dominican Republic, José Agustín Silvestre de los Santos; in Egypt, Ahmad Mohamed Mahmoud and Wael Mikhael; in Iraq, Muammar Khadir Abdelwahad, Sabah al-Bazi, Alwan al-Ghorabi, Hadi al-Mahdi and Mohamed al-Hamdani; in Ivory Coast, Sylvain Gagnetau Lago and Marcel Legré; in Libya, Ali Hassan al-Jaber, Mohammed al-Nabbous, Anton Hammerl, Tim Hetherington, Chris Hondros and Mohammed Shaglouf; in Mexico, Luis Emanuel Ruiz Carrillo, Maria Elizabeth Macías Castro, Noel López Olguín and Rodolfo Ochoa Moreno; in Nigeria, Zakariya Isa; in Pakistan: Nasrullah Khan Afridi, Wali Khan Babar, Asfandiyar Khan, Shafiullah Khan, Javed Naseer Rind, Faisal Qureshi and Saleem Shahzad; in Panama, Dario Fernández Jaén; in Peru, Pedro Alfonso Flores Silva; in the Philippines, Romeo Olea and Gerardo Ortega; in Russia, Gadzhimurad Kamalov; in Somalia, Abdisalan Sheikh Hassan, Noramfaizul Mohd and Farah Hassan Sahal; in Syria, Ferzat Jarban and Basil al-Sayed; in Thailand, Phamon Phonphanit; in Tunisia, Lucas Mebrouk Dolega; and in Yemen, Jamal al-Sharaabi, Hassan al-Wadhaf and Fuad al-Shamri.

Every one of them died in the service of bringing the truth to the rest of us. They died, in the most profound sense, for us. This is our small way to bear witness to their sacrifice.

2012 LADIES WORLD SENIOR CURLING CHAMPIONSHIPS

CONGRATULATIONS TO THE HEIDI HANLON TEAM

Hon. John D. Wallace: Honourable senators, what a truly proud and momentous day it was for our province of New Brunswick on Saturday, April 21, 2012, and particularly for those of us who call the Greater Saint John region our home. It was on Saturday that the word was received from Copenhagen, Denmark, that the Heidi Hanlon rink from the Thistle-St. Andrew's Curling Club in Saint John had just defeated Scotland 12 to 2 to capture the 2012 Ladies World Senior Curling Championship. What a convincing and dominating victory it was.

As winners of the Canadian Senior Ladies Curling Championship in 2011, Heidi, along with third Kathy Floyd, second Judy Blanchard and lead Jane Arseneau, were Canada's representatives at the world championship. The championship also included the national senior ladies championship teams from the United States, Sweden, New Zealand, Switzerland, Czech Republic, Ireland, Denmark, Japan, Italy, Finland, Slovakia, Russia and Scotland.

During the round robin portion of this world championship, Heidi and her team finished with a perfect six wins and zero losses record. After defeating New Zealand in the semi-finals, the team moved along to face Scotland in the finals.

As I am sure honourable senators can imagine, when our world championship team arrived home at the Saint John airport on Sunday afternoon, the waiting crowd of family members, friends and well-wishers was more than a little bit excited, boisterous and jubilant. No doubt about it, it was truly something to see. It was something that I will always remember.

Honourable senators, if ever there were perfect examples of the old adages that “good things happen to good people” and “nothing comes without hard work,” they would have to be Heidi, Kathy, Judy and Jane. Something like this just does not happen overnight by chance. Heidi, Kathy, Judy and Jane truly deserve everything they have accomplished. They are our world champions, and we could not be more proud of them.

BATTLE OF KAPYONG

SIXTY-FIRST ANNIVERSARY

Hon. Yonah Martin: Honourable senators, recently I had the honour of organizing an unprecedented farewell ceremony for a Canadian soldier returning to Korea, where he had fought during the Korean War 61 years ago. On April 21, 2012, I greeted Debbie Hearsey and her son Solomon from Sioux Lookout, Ontario, during their stopover in Vancouver. She had with her the ashes of her late father, Archibald Lloyd Hearsey, which she was taking to Korea to be reunited with his brother, Joseph Hearsey, who was killed action in October 1951. It was Archie's request that he be buried in Korea with his brother and his daughter was nobly fulfilling his wish.

To show the great appreciation and respect that Koreans have for Canada and our country's role in defending Korea during the war, the ashes of Archie received the highest state honour when his daughter got off the plane in Incheon. Korea's Minister of Veterans Affairs, Park Sung Choon, met Debbie Hearsey at the airport and a military escort took the ashes into safekeeping. They were taken to Korea's National Cemetery to repose for three days in the national shrine — the first time that the remains of a foreign soldier have been placed there and, in the eyes of the Korean people, a very high honour indeed.

Tonight, on the sixty-first anniversary of the Battle of Kapyong, Archie Hearsey will join his beloved brother in Busan, where he has been buried these past 60 years. The Hearsey brothers served with the Princess Patricia's Canadian Light Infantry and were among the valiant Canadians who fought victoriously in this historic battle. Among Archie Hearsey's personal possessions is the small blue ribbon that signifies the United States Presidential Citation awarded to the PPCLI for their amazing stand at Kapyong.

The Battle of Kapyong was one of the decisive actions of the Korean War. The Patricia's commander, whom Archie Hearsey so greatly admired, gave his soldiers simple orders before that battle. He said that they would stand, no matter what, and that they would not give up one inch of ground. They all understood that they would die before they let the enemy force them back. The Canadian battalion and one Australian battalion held back assault forces from two enemy divisions ten times their number. The Commonwealth brigade prevailed, and the enemy offensive in that area was thwarted.

One more soldier will now be buried in the United Nations Memorial Cemetery in Busan, Korea, which will be Archie Hearsey's final resting place. It will bring the total number of Canadians buried there to 379.

Let us never forget these brave young Canadians who volunteered in the prime of their youth to serve a country and a people they never knew. Let us continue the strong alliance between our two nations that those brave young Canadians wrought with their heroism and sacrifice 61 years ago.

[Translation]

ROUTINE PROCEEDINGS

PRIVY COUNCIL

SPECIAL ECONOMIC MEASURES (SYRIA) REGULATIONS AND SPECIAL ECONOMIC MEASURES (SYRIA) PERMIT AUTHORIZATION TABLED

Hon. Gerald J. Comeau (Acting Deputy Leader of the Government): Honourable senators, pursuant to section 7 of the Special Economic Measures Act, I have the honour to table, in both official languages, copies of the Special Economic Measures (Syria) Regulations and the Special Economic Measures (Syria) Permit Authorization Order, both officially announced on March 30, 2012.

L'ASSEMBLÉE PARLEMENTAIRE DE LA FRANCOPHONIE

INTERNATIONAL CONFERENCE ON BENCHMARKING AND SELF-ASSESSMENT FOR DEMOCRATIC PARLIAMENTS, MARCH 3-4, 2010—REPORT TABLED

Hon. Pierre De Bané: Honourable senators, I have the honour to table, in both official languages, the report of the Canadian branch of the Assemblée parlementaire de la Francophonie (APF) on the International Conference on Benchmarking and Self-Assessment for Democratic Parliaments of the Assemblée parlementaire de la Francophonie, held in Paris, France, on March 3 and 4, 2010.

MEETING OF THE PARLIAMENTARY NETWORK TO FIGHT HIV/AIDS AND THE PARLIAMENTARY AFFAIRS COMMITTEE, MARCH 27-31, 2010— REPORT TABLED

Hon. Pierre De Bané: Honourable senators, I have the honour to table, in both official languages, the report of the Canadian branch of the Assemblée parlementaire de la Francophonie (APF)

on the meeting of the Parliamentary Network to Fight HIV/AIDS and the Parliamentary Affairs Committee of the Assemblée parlementaire de la Francophonie, held in Casablanca and Marrakech, Morocco, from March 27 to 31, 2010.

PARLIAMENTARY SEMINAR ON DEMOCRACY AND ECONOMIC GOOD GOVERNANCE: THE ROLE OF PARLIAMENT, NOVEMBER 10-11, 2010— REPORT TABLED

Hon. Pierre De Bané: Honourable senators, I have the honour to table, in both official languages, the report of the Canadian branch of the Assemblée parlementaire de la Francophonie (APF) on the parliamentary seminar on Democracy and Economic Good Governance: The Role of Parliament, held in Cotonou, Benin, on November 10 and 11, 2010.

MEETING OF THE PARLIAMENTARY AFFAIRS COMMITTEE, APRIL 5-6, 2011—REPORT TABLED

Hon. Pierre De Bané: Honourable senators, I have the honour to table, in both official languages, the report of the Canadian parliamentary delegation respecting its participation at the Meeting of the Parliamentary Affairs Committee of the Assemblée parlementaire de la Francophonie (APF), held in Clermont-Ferrand, France, on April 5 and 6, 2011.

• (1440)

CANADA-FRANCE INTERPARLIAMENTARY ASSOCIATION

MEETING OF THE STANDING COMMITTEE, MARCH 15-16, 2012—REPORT TABLED

Hon. Claudette Tardif (Deputy Leader of the Opposition): Honourable senators, I have the honour to table, in both official languages, the report of the Canadian delegation of the Canada-France Interparliamentary Association respecting its participation at the Meeting of the Standing Committee, held in Paris, France, on March 15 and 16, 2012.

[English]

BUSINESS OF THE SENATE

Hon. Claudette Tardif (Deputy Leader of the Opposition): Honourable senators, there have been discussions with my counterpart opposite concerning today's order of business. Pursuant to those discussions, I would ask for leave to bring forward Inquiry No. 40 on the Notice Paper and have it called at the appropriate time later today.

Hon. Gerald J. Comeau (Acting Deputy Leader of the Government): That is agreed, honourable senators.

The Hon. the Speaker: So ordered.

[Hon. Yonah Martin]

[Translation]

PREVENTION AND ELIMINATION OF MASS ATROCITIES

NOTICE OF INQUIRY

Hon. Roméo Antonius Dallaire: Honourable senators, I give notice that, two days hence:

I shall call the attention of the Senate to Canada's continued lack of commitment to the prevention and elimination of mass atrocity crimes, and further calling on the Senate to follow the recommendation of the United Nations Secretary General in making 2012 the year of prevention of mass atrocity crimes.

[English]

QUESTION PERIOD

FISHERIES AND OCEANS

FUTURE OF COMMERCIAL FISHERIES

Hon. Catherine S. Callbeck: Honourable senators, my question is for the Leader of the Government in the Senate. Earlier this year the government released a discussion paper called *The Future of Canada's Commercial Fisheries*. This paper has created a lot of concern among fishers, especially about changes to the fleet separation and owner-operator policies that were put in place 30 years ago. The consultations on this document ended on March 15, roughly six weeks ago, and DFO officials indicated that they would be compiling a "what we heard" document that would be public.

Would the Leader of the Government in the Senate check with DFO to find out when that document might be released?

Hon. Marjory LeBreton (Leader of the Government): I thank the honourable senator for the question. Is the honourable senator referring to the announcement made today by the Minister of Fisheries with regard to habitat conservation? I am not clear on what the honourable senator is asking for.

Senator Callbeck: Earlier this year a discussion document was released called *The Future of Canada's Commercial Fisheries*. DFO held consultations, which ended on March 15. The department indicated then that they would compile a "what we heard" document that would be made public.

Would the Leader of the Government check with DFO to see when that document will be made public?

Senator LeBreton: I thank the honourable senator for the clarification. I most certainly will do that.

Senator Callbeck: Honourable senators, I am happy that the Leader of the Government will check on the status of the document, because fishers are very anxious to hear from the government.

The fishers' organizations have been asking for more follow-up and more consultations about fisheries issues. Some fishers felt that they did not have sufficient time to examine the original discussion paper, and they believe there is serious need for further dialogue with the department. However, there has been no indication from DFO about upcoming consultations.

Will this government commit to further consultations with fisheries? Also, would the Leader of the Government check with the Minister of Fisheries and Oceans to learn when he plans to come to Atlantic Canada, in particular to Prince Edward Island, to have discussions with fishers?

Senator LeBreton: I thank the honourable senator for the question. I will be happy to make inquiries. Therefore, I will take the question as notice.

HEALTH

FOOD LABELLING

Hon. Robert W. Peterson: Honourable senators, my question is for the Leader of the Government in the Senate. Budget 2012 announced that the government will stop enforcing almost all food labelling regulations. To be more clear, the budget announced that ordinary Canadians will now be responsible for inspecting food labels at the grocery store. Canadians will have to verify for themselves whether manufacturer claims about things like cholesterol content, sodium levels, sugar and allergens are true. For those with serious health conditions such as hypertension, peanut allergies and diabetes, false claims could prove deadly.

This is penny wise and pound foolish. What on earth is the government doing putting the safety of Canadians at risk to save a few bucks?

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, we are not putting the safety of Canadians at risk. We have committed to ensuring that consumers have the proper information they need about the food they purchase. The Canadian Food Inspection Agency will continue to verify that labelling regulations are followed, especially where there is a clear risk to health or safety, by investigating consumer complaints, inspecting at the manufacturer and retail levels, and doing laboratory testing.

Senator Peterson: Honourable senators, I hope they do a better job than they did with the Maple Leaf Foods incident some time ago in which it was claimed that the products contained no preservatives when they in fact contained nitrates. We know the ramifications of that. I hope that they will be more diligent than they have been in the past.

Senator LeBreton: I think it is very clear that as a result of the listeriosis outbreak in the summer of 2008 the Canadian Food Inspection Agency took rigorous steps and increased the number of inspectors. With the cooperation of industry, they have vastly improved the safety of Canadians through meat inspections.

[Translation]

INTERNATIONAL COOPERATION

SUPPORT FOR INTERNATIONAL AID

Hon. Claudette Tardif: Honourable senators, the 2012 budget presented three weeks ago would reduce government spending on foreign aid by 7.5 per cent over the next three years. Canada's assistance to international organizations is also being reviewed and will be cut.

These cuts are among the largest cuts made in the budget. Spending on international aid, which had already been frozen at the 2010 level, is estimated to represent only 0.29 per cent of this year's gross national product, which is a far cry from Canada's commitment to devote 0.7 per cent of our national income to development assistance.

Canada already ranks among the least generous of developed countries in terms of spending related to foreign aid based on national income. By 2015, this percentage could be even lower.

The government's position recently prompted OXFAM Canada to ask the following question, which I will now ask of the leader: Why is this government balancing its budget at the expense of the most vulnerable people in the world?

• (1450)

[English]

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, we are not balancing the budget at the expense of the poorest people in the world. As honourable senators know, since we formed government, we have been making our international aid commitments more effective, targeted, focused and accountable. In fulfilling our international commitments, Canada's international aid levels will continue to be higher than those of the previous Liberal government.

Of course, we all know the advantages when Canada untied 100 per cent of food aid, reducing the cost of transportation, supporting local producers and allowing food to be bought at the best price in the areas where we are focusing.

Canada was the second largest donor to the World Food Programme in 2011, helping the program reach over 90 million people in 73 countries.

[Translation]

Senator Tardif: Unlike Canada, Australia and the United Kingdom have increased their international aid budgets even though their economic situation is similar to or even worse than ours. In Great Britain, David Cameron asked parliament to increase aid by 40 per cent to ensure that his country reaches its millennium development goal of 0.7 per cent by 2015, the target year. Canada spends just over \$3 a week per Canadian on international aid. By 2015, our expenditures will fall below \$2.50 a week per person.

How can the government justify making cuts to modest expenditures that seek to help the most disadvantaged while the Minister of International Cooperation insists on staying in luxury hotels when attending conferences on poverty, and while scourges such as AIDS and tuberculosis continue to afflict millions of people in the world?

[English]

Senator LeBreton: Honourable senators, I pointed out a moment ago that Canada was the second largest donor to the World Food Programme in 2011. As honourable senators know, Canada partnered with the people of Canada by matching donations with regard to the drought in Eastern Africa. We worked with experienced and reputable organizations to deliver critical relief to over 13 million people. Through the World Food Programme, 11.5 million people have received food in Kenya, Ethiopia and Somalia. In 2009-10, 48 per cent of CIDA aid went to Africa and 53 per cent of CIDA food aid went to Africa.

I know the honourable senator is not specifically referring just to Africa. However, as I pointed out in my opening answer, we have focused our international aid to be more accountable and we are bringing better results on the ground.

With regard to the honourable senator's comments about Minister Oda's stay at the Savoy hotel, the minister has repaid the cost of changing hotels, and she has apologized to Parliament and to the Canadian public.

ACTIONS OF MINISTER

Hon. Jane Cordy: Honourable senators, this is not the first time Minister Oda has wasted taxpayers' money. She did the same thing a few years ago when she was in Halifax for the Juno Awards. A driver arrived at the airport for her, and she shooed that driver away and insisted that she have a limousine. She took the limousine half a block to the Metro Centre to attend the Juno Awards and had it waiting outside for her while she attended the awards.

When will this government start using taxpayers' money in the right ways and not waste it? Minister Oda already apologized in Halifax. She has done that once, and the same thing has happened again.

Hon. Marjory LeBreton (Leader of the Government): First, honourable senators, Minister Oda has apologized. She has paid money for her stay at the Savoy hotel. With regard to the Juno Awards, Minister Oda at the time did address that.

I would point out, honourable senators, that ministers in this government have reduced their budgets by 18 per cent. The Prime Minister's Office has reduced its budget by 22 per cent.

An Hon. Senator: Hear, hear.

Senator LeBreton: I again invite honourable senators to draw a comparison between my expenditures, as Leader of the Government in the Senate, and my predecessor's. I think

honourable senators will be quite shocked that I spent about 1,000 per cent less. Also, the government has drastically cut the use of government aircraft, by almost 80 per cent.

I think, honourable senators, it is fair to say that our government and our ministers are very mindful of how we spend taxpayers' dollars.

Senator Cordy: I am sure many Canadians would agree that \$16 for a glass of orange juice is a bit over the top. Would the honourable senator not agree?

Senator LeBreton: I reiterate that Minister Oda has reimbursed the taxpayer. She has apologized. The government has an outstanding record, as I have just pointed out, of being very mindful of taxpayers' dollars; and Minister Oda has, as I mentioned, apologized to Parliament and to the Canadian taxpayer.

[Translation]

PUBLIC SAFETY

CLOSURE OF PRISONS

Hon. Céline Hervieux-Payette: Honourable senators, my question is for the Leader of the Government in the Senate. According to the Parliamentary Budget Officer, Kevin Page, passage of Bill C-10 will result in a huge increase in the inmate population and will force the federal and provincial governments to build new prisons.

However, Mr. Vic Toews, Minister of Public Safety, made a decision last week that is at odds with this information when he announced the closure of the Kingston and Laval penitentiaries. Oddly enough, the recent federal budget does not include funds for the construction of new prisons to replace these institutions.

Can the leader tell us what strategy her government will use to deal with the increase in inmates resulting from Bill C-10 and the reduction in cells to hold these inmates, either in Kingston or Laval, and what is the overall plan for the appropriate incarceration of these inmates?

[English]

Hon. Marjory LeBreton (Leader of the Government): I am glad to notice that the honourable senator has had to change her line of questioning, because a few months ago she was accusing us of building prisons. Of course, we kept asking where these prisons are that we are building.

The fact of the matter is the thrust of our "tough on crime" legislation is to ensure that we keep dangerous and repeat offenders behind bars, where they belong. We are not creating new criminals; we are stopping the revolving door. In other words, in the past, under the previous government, a prisoner would be listed four times, the same person in and out of prison four times. We are simply lengthening the sentences to ensure that person is there for a longer term.

In fact, the wave of prisoners predicted by the other side and by other so-called experts has not materialized. We will be closing two prisons. Anyone who has familiarity with Kingston Penitentiary or the Leclerc Institution would know that the infrastructure of these facilities is incomplete and incompetent in terms of modern-day housing for prisoners. We have already indicated that there is a plan to move these prisoners — maximum security to maximum security and medium security to medium security. There is already a plan in place. As honourable senators know, existing facilities are having additional cells added to them.

[Translation]

Senator Hervieux-Payette: The minister seems to think that her government can magically make this question disappear. Not only has the federal government passed laws that will increase the number of inmates, but it has also ensured that current inmates will not have the right to parole, which would be more conducive to rehabilitation.

• (1500)

However, I would like to mention the GEO Group, an American company that manages private prisons and makes over \$1.3 billion. This company met with two of the key players in the potential privatization of Canada's correctional system, Minister Vic Toews on October 18, 2011, and John McBride, the president and CEO of PPP Canada, on June 3, 2011.

Based on this information, are we to conclude that the Conservative government is getting ready to start a tendering process for the privatization of Canada's correctional system? When will we see the tendering documents? How many spaces is the government planning to turn over to private prisons?

[English]

Senator LeBreton: I think the honourable senator is fixated on what is happening in the prison system south of the border.

Minister Toews made it clear why the government was closing the Leclerc and Kingston penitentiaries. By closing these antiquated and outdated institutions, taxpayers will save nearly \$15,000 per prisoner per year. The offices of Corrections Canada and the Minister of Public Safety are working on a plan to move prisoners to equally secure facilities — whether it is maximum to maximum or medium to medium — within our present prison system. I have no idea what the honourable senator is talking about with regard to a request for proposal for private sector involvement. That is not in the government's plans.

[Translation]

Senator Hervieux-Payette: Since the leader of the government mentioned our antiquated prisons, I would like to point out that the famous Hôtel-Dieu hospital in Montreal is several centuries old, yet every day, Quebecers are hospitalized there and leave in better health than when they went in.

Having just returned from Paris and Europe, you know that destruction and rebuilding is not always the way to go. People use and renovate existing buildings. The minister had the choice to

renovate those buildings if they were in poor condition, but I cannot believe that the facilities have not been improved since the beginning of the last century.

Can the government leader tell us where those prisoners will end up? The provinces tell us that certain members of the prison population sentenced to less than two years will end up in provincial prisons. But where will inmates sentenced to more than two years end up, now that the government has introduced a considerable number of harsher sentences in Bill C-10?

[English]

Senator LeBreton: I cannot imagine one could say that Kingston Penitentiary could in any way be renovated and brought up to a modern-day penitentiary. Anyone who has ever toured Kingston Penitentiary or talked to or knows any prison officials who have worked there knows the difficulties they face in sightlines and the construction of the cells. Prison guards are subjected to having things thrown at them because the bars in the cells are not to the standard of prisons built today.

Corrections Canada has a plan. There is a plan to add cells to existing facilities. There are a dozen existing facilities in the Kingston area. There are others within a distance of Leclerc. Corrections Canada has a plan that will be implemented over two years which will transfer prisoners out of Kingston Pen and Leclerc into facilities requiring the level of security according to their sentence.

One thing is for sure: we will not be building new prisons and our government will not spend a dollar more on corrections than is necessary to keep Canadians safe.

Hon. Joan Fraser: I have a supplementary question. The leader said that the prisoners will be transferred maximum to maximum, medium to medium. That is all well and good, but the plan also includes closing the psychiatric treatment centre. As all members of the Legal and Constitutional Affairs Committee have been made starkly aware, this country's federal prison system is already drastically underserved in terms of treatment for the mentally ill. We know that the population of our prisons increasingly consists of people with mental illnesses. What will the government do with them?

Senator LeBreton: Honourable senators, this is a very serious issue. The Legal and Constitutional Affairs Committee is to be commended for further exposing this very difficult issue before committee when we were studying Bill C-10.

I would point out that it was our government that provided additional resources, such as requiring a mental health assessment for all inmates within the first 90 days of their incarceration. Both access to treatment services for inmates and training for staff have been improved under our government, and the fact remains that we cannot totally rely on prisons. That is not the proper place to treat mental illness. We are working with our provincial counterparts to treat mentally ill people. With regard to the centre in Kingston, we will be accommodating the people who have been treated in that facility just as we are accommodating the other people who are being transferred over the next two years out of Kingston Pen and Leclerc Institution.

[Translation]

DELAYED ANSWERS TO ORAL QUESTIONS

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I have the honour to table, in both official languages, the answer to the oral questions raised by Senator Jaffer on March 8, 2012, concerning violence against women; by Senator Chaput on March 6, 2012, concerning second-language training for public servants; and by Senator Comeau on March 6, 2012, concerning second-language training for public servants.

STATUS OF WOMEN

VIOLENCE AGAINST WOMEN

(Response to question raised by Hon. Mobina S.B. Jaffer on March 8, 2012)

Ending violence against women is a priority for this government. Since 2007, Status of Women Canada has approved over 49 million dollars in funding to address the issue of violence against women and girls. Under the programming priority area *ending violence against women and girls*, Status of Women Canada approved funding to community projects that provide prevention and protection supports, such as:

- increasing understanding of the issue of violence against women for victims of gender-based violence (GBV), communities, and professionals/service providers;
- providing information about available resources and recourses;
- familiarizing women with the Canadian justice system and family law;
- facilitating access to mainstream services, outreach, transition support; economic independence support (including financial literacy), and service improvement; and
- developing tools and supports for women, communities and service professionals, including culturally-relevant resources/responses.

The Government of Canada addresses the needs of newly arrived immigrant women primarily through settlement programs. In addition, Status of Women Canada has provided project funding in support of various initiatives. Since 2007, Status of Women Canada has approved over 3 million dollars in funding to address the issue of violence against immigrant women and girls. For example, Status of Women Canada provided project funding to support the development of culturally specific services for immigrant and refugee women victims of violence and human trafficking at an Edmonton area shelter. The shelter, specifically for immigrant and refugee women, is the first

of its kind in Canada and includes outreach services, workshops, a peer mentoring program, and liaison with key stakeholders and law enforcement, social services and immigration services.

OFFICIAL LANGUAGES

SECOND-LANGUAGE TRAINING FOR PUBLIC SERVANTS

(Response to question raised by Hon. Maria Chaput on March 6, 2012)

The internal audit of the School's language training program, referred to in the *2011-2012 Report on Plans and Priorities*, was initiated by School management and preliminary work has been carried out by the School's Internal Audit Group.

The School's Internal Audit Group is currently completing a final audit report. It is expected to be completed in April. Once it is approved, it will be made publicly available.

(Response to question raised by Hon. Gerald J. Comeau on March 6, 2012)

An evaluation was undertaken of a Pilot Memorandum of Understanding between the Canada School of Public Service and Université Sainte-Anne, as part of the Canada School of Public Service 2008-09 Evaluation Plan. The Formative Evaluation Report and the subsequent Action Plan are available on the School's web site (<http://www.cspss-efpc.gc.ca/aut/cdo/cdo-arc/usa-evalreport-eng.pdf>).

[English]

ORDERS OF THE DAY

FIRST NATIONS ELECTIONS BILL

THIRD READING— MOTION IN AMENDMENT NEGATIVED

On the Order:

Resuming debate on the motion of the Honourable Senator Patterson, seconded by the Honourable Senator Ogilvie, for the third reading of Bill S-6, An Act respecting the election and term of office of chiefs and councillors of certain First Nations and the composition of council of those First Nations;

And on the motion in amendment of the Honourable Senator Dyck, seconded by the Honourable Senator Watt, that Bill S-6 be not now read a third time, but that it be amended:

(a) on page 3, in clause 3,

(i) by deleting lines 1 to 3;

(ii) by replacing lines 4 to 9 with the following:

“ (b) the Governor in Council has set aside an election of the Chief and councillors of that First Nation under section 79 of the *Indian Act* on a report of the Minister that there was corrupt practice in connection with that election.”; and

(b) on page 4, in clause 5, by replacing lines 4 to 7 with the following:

“ (b) in the case of a First Nation whose name is added to the schedule under paragraph 3(1)(b), six months after the day on which the order is made.”.

Hon. Dennis Glen Patterson: Honourable senators, I wish to respond to my honourable colleague's suggested amendments to the First Nations Elections Act, Bill S-6. On April 3, Senator Dyck recommended that clause 3(1)(b) of Bill S-6 be struck altogether. This clause states:

3.(1) The Minister may, by order, add the name of a First Nation to the schedule if . . .

(b) the Minister is satisfied that a protracted leadership dispute has significantly compromised governance of that First Nation;

I wish to emphasize these words here. They are quite explicit: if “a protracted leadership dispute has significantly compromised governance of that First Nation.” I will speak to the importance and significance of these words a little later on.

It is important that this clause remains in the bill. It provides a mechanism to restore leadership in a community in rare and exceptional circumstances where governance has completely broken down in a First Nation and where any progress whatsoever on important issues cannot be made for a protracted period of time.

The honourable senator outlined several reasons which she believes support the removal of this provision, and I would like to deal with these now.

First, while it is true that witnesses appearing before the Standing Senate Committee on Aboriginal Peoples recommended the removal of this clause, the Atlantic Policy Congress of First Nations Chiefs told us that they support Bill S-6 as it currently stands. This support is significant given that this organization has led and championed this initiative from the beginning and it is on their recommendations that the bill stands before us today.

• (1510)

The second reason put forward to delete this clause is that it may be unconstitutional. There are several reasons why the government considers the minister's powers under clause 3(1)(b) to be constitutional and why it respectfully disagrees with the opinion offered by the lawyer for the Canadian Bar Association who appeared before the committee.

First, the power in clause 3(1)(b) is very similar to the minister's present power under the Indian Act. Though that power has been exercised three times in contentious circumstances, it has never been successfully challenged on constitutional grounds.

Second, we must not lose sight of the fact that Aboriginal rights are not absolute, and the courts have ruled that infringements of those rights may be justified in a variety of circumstances. To the extent that a court might one day find that a custom leadership selection method enjoyed constitutional protection, a situation where a protracted leadership dispute has left a First Nation without effective governance is exactly the sort of circumstance that would justify an infringement of any such right.

Lastly, in such circumstances, making an order under clause 3(1)(b) is in fact, I believe, the right thing to do. It is not right to abandon the members of a First Nation whose government has broken down over an inability to resolve long-standing leadership issues. It is not right to put a First Nation into third-party management because their leadership selection system has broken down. On the contrary, it is the right thing to do for the minister to bring them under a stable legal regime with a four-year term of office that can serve as a stepping stone to the re-establishment of a viable custom regime.

My honourable colleague stated as her third reason to delete clause 3(1)(b) that the minister will gain new powers over custom code First Nations through this clause that he does not have in the Indian Act.

With respect, this is simply not the case. Under the Indian Act, the minister may order any band, which of course includes First Nations who hold their elections under their own custom, to hold an election under the Indian Act. In fact, operationally, this order can only be made for custom code First Nations. In qualifying the conditions to be a "protracted leadership dispute that has significantly compromised governance," the breadth of the minister's power is more precisely and narrowly defined in Bill S-6 than in the Indian Act, which states that the minister may order an election under the act if "he deems it advisable for the good governance of a band."

While under the Indian Act the minister can order an election on a very subjective ground, Bill S-6 requires the minister's decision to be supported by evidence that there was a governance dispute that has both been going on for a long time and has compromised governance in that community.

The fourth reason Senator Dyck put forward is that there are better ways to intervene in prolonged governance disputes. To this point, I agree wholeheartedly, and so do the minister and his department. When governance disputes arise, the department makes every reasonable effort to offer resources for mediation and other community-based processes to support the community in reaching its own resolution. In some instances, the community has turned to the courts for a resolution where the minister has not been a party. In the three cases in which the minister did exercise his power under the Indian Act, he did so after all reasonable efforts had been exhausted.

To outline an example, the most recent case where the minister ordered a First Nation to hold an Indian Act election occurred in the Algonquins of Barriere Lake First Nation in Quebec. In this

case, the community was split into factions, each of which claimed to be the legitimate government selected under the community custom rules. The factions turned to the courts on more than one occasion for a resolution. Although decisions were issued by the courts, the community factions failed to support and respect these decisions, and they continued to assert their claim as leaders.

Finally, after years of effort — and by some calculations this went on for as long as 15 years — and significant resources being dedicated to solving the dispute, all of which proved fruitless, the minister ordered that the leaders of the community would be selected through an Indian Act election process. This election process would provide the clarity as to who the chief and council are. Since this Indian Act election process took place in 2010, the department has been working with the chief and council, and I am happy to say that progress is being made on some key issues.

My honourable friend has also suggested that the Indian Act elections system be amended to include elements of Bill S-6. This approach is not consistent with the recommendations for electoral reform provided by the First Nations organizations that led this initiative. They have clearly stated that reform is best achieved not by amending the Indian Act but by creating a strong alternative that allows them to shed the outdated Indian Act election provisions altogether. This, honourable senators, is what Bill S-6 does. For those First Nations who do not see the bill as their best alternative, the department continues to support their efforts to develop their own community election systems.

The fifth reason put forward to support an amendment to the bill is that there is no guarantee that the minister will not use the power afforded under Bill S-6 inappropriately. Again, I refer back to the words in the clause: "protracted leadership dispute that has significantly compromised the governance of that First Nation." This condition must exist before the minister can order a First Nation to hold an election under Bill S-6. If challenged, the minister would be required to substantiate his decision and provide evidence that supports his conclusion that a protracted leadership dispute has significantly compromised the governance of that First Nation. A court would very likely set aside the minister's order if it found that he acted capriciously and for other motives.

I think it is important to point out that this clause would not allow the minister to order an election simply based on decisions being made and healthy debates amongst the leaders and the community. The types of disputes that would qualify under this wording are those where competing factions in the community claim to be the legitimate government, causing the Government of Canada, the provinces, the territories, the private sector and the community members themselves not to know who the legitimate leaders of the First Nations are. These are governance disputes that drag on, where the parties are unable or unwilling to end their disputes, and they are not the same as internal debate on policy by a recognized government.

Finally, and perhaps most important, I would like to point out that if the clause were removed from Bill S-6, as this amendment would accomplish, the minister would still be able to order the holding of an election under the Indian Act, a system that

I believe we all agree is much weaker than the system under Bill S-6. A First Nation community in such a state that the minister must intervene to restore governance should have access to the best available legislative framework for elections, which is not the Indian Act but Bill S-6.

For those reasons, I recommend that honourable senators vote against the proposed amendment.

• (1520)

The Hon. the Speaker: Questions and comments?

Hon. Lillian Eva Dyck: Would the Honourable Senator Patterson accept a question?

Senator Patterson: Yes.

Senator Dyck: I thank the honourable senator for his speech today. I am happy that he brought up the idea that one of the main reasons this amendment is here is not necessarily because of problems within a particular election but because of the problems of competing factions within a community.

Bill S-6 is designed mostly to talk about improving a particular election, not about competing factions, so we are mixing apples and oranges here. I agree entirely that the Bill S-6 election is much better, but the amendment, as the honourable senator outlined today, is to deal with competing factions, not with irregularities within an election held under the Indian Act or under a custom code.

The honourable senator used Barriere Lake as an example where the situation has improved, but from my readings on Barriere Lake, when the Indian Act was imposed on the community, only 10 people participated in the election. How can that chief and council then be seen as legitimate? In other words, how can imposing an election on a community really improve things? I think most of the communities, although there may be exceptions, do not want the minister forcing them to hold an election; therefore, they have vetoed it.

Senator Patterson: I thank the honourable senator for the question. I will try to answer what I think were two points made by the honourable senator.

With respect, when I spoke in my address about competing factions in a community, I was speaking about competing factions relating to governance disputes. That would be competing factions questioning the legitimacy of an election. I believe that the clause that we are debating today is only about disputes relating to governance or election processes. It would not relate to disputes over decisions made by government or policy disagreements within a community, which the senator suggested would be an obtuse motive for the minister intervening.

I want to make it clear that it is more than just about competing factions or opinions in a community. It is about competing factions that lead to a breakdown of governance, so that the community has no government and is then, in effect, open to the

very colonial possibility of third-party management, which no one likes to see happen, or engages in an endless round of litigation, which only enriches lawyers and in the case of Barriere Lake never produced any resolution, even after decisions made by the courts.

The Hon. the Speaker: The honourable senator might wish to ask the house for another five minutes.

Senator Patterson: May I have another five minutes?

Hon. Senators: Agreed.

Senator Patterson: The honourable senator obviously knows more about the Barriere Lake situation than I do, but I do understand that there have been many years where there was, in effect, no governance. Money was spent on litigation and lawyers, producing no result. Perhaps there was minimum participation in an election, but I understand that there is now a governing body able to make decisions. Hopefully, it can restore a custom code that will have the support of more members of that community.

Senator Dyck: I think this idea of competing factions is incredibly important. In Barriere Lake, it probably boiled down to the customary election versus hereditary. In many First Nations, there are hereditary or traditional chiefs for the council of elders who may have an opinion that is very different from those who are elected by Indian Act chiefs. That applies to Barriere Lake.

I do not know if the honourable senator is aware that in early April of this year the B.C. Supreme Court ruled it will not interfere in a prolonged leadership dispute in the Gitksan First Nation, where the hereditary traditional chiefs are at odds with the elected chiefs. The B.C. Supreme Court is saying it is up to the nation itself to resolve that dispute, which revolves around resources in the Northern Gateway Pipeline. Considering what the B.C. Supreme Court judge has said, why are we proceeding with this type of clause in the bill that clearly goes against modern-day principles?

Senator Patterson: Honourable senators, I believe that one of the purposes of ordering that an election take place in a community where there are disputes over custom codes would be to permit that community to have a mechanism for working together to create a custom code that works rather than the one that is dysfunctional.

As far as the unwillingness of a court to interfere is concerned, I think that is a different situation than the minister ordering an election under this provision, because in an election members of the community will have the opportunity to have a voice in the new leadership of that community.

Senator Dyck: I believe in his answer the honourable senator talked about the community being involved in the election, and I believe that under custom code and the development of reverting to custom, all the community is involved in developing the code. Would the senator not agree that that is the preferable route to go, namely, having the community members come together and develop their own code rather than the minister saying, "You have to hold an election via Bill S-6"? In fact, two of the witnesses

from the AFN and Chief Cook-Searson from Saskatchewan indicated that community development is the answer, and imposing court orders will not resolve these kinds of issues.

Senator Patterson: Honourable senators, of course I would agree that it is very much desirable that a community come together and achieve a consensus. However, this clause — which is a small part of a much bigger bill that, I think, we all agree has many progressive and desirable improvements over the present Indian Act — only relates to a situation where the community has not been able to come together over a protracted period of time.

We all hope that they will come together. The department has resources to assist in that happening, but when it does not happen, should we stand by and allow a community to be paralyzed without governance, without the ability to make decisions, and to be vulnerable to the imposition of the invidious third-party manager? That is the choice we are facing today.

The Hon. the Speaker: Are honourable senators ready for the question?

Some Hon. Senators: Question.

The Hon. the Speaker: Honourable senators, it was moved in amendment by the Honourable Senator Dyck, seconded by the Honourable Senator Watt, that Bill S-6 be not now read a third time, but that it be amended:

(a) on page 3, in clause 3,

(i) by deleting lines 1 to 3;

(ii) by replacing lines 4 to 9 with the following:

“ (b) the Governor in Council has set aside an election of the Chief and councillors of that First Nation under section 79 of the *Indian Act* on a report of the Minister that there was corrupt practice in connection with that election.”; and

(b) on page 4, in clause 5, by replacing lines 4 to 7 with the following:

“ (b) in the case of a First Nation whose name is added to the schedule under paragraph 3(1)(b), six months after the day on which the order is made.”.

Honourable senators, all those in favour of that motion in amendment please say “yea.”

Some Hon. Senators: Yea.

The Hon. the Speaker: Those opposed to that motion will please say “nay.”

Some Hon. Senators: Nay.

The Hon. the Speaker: In my opinion, the “nays” have it.

And two honourable senators having risen:

The Hon. the Speaker: We will call in the senators. Do we have advice from the whips?

Hon. Jim Munson: Thirty minutes.

The Hon. the Speaker: The vote will take place at five minutes to four.

Call in the senators.

Do I have permission to leave the chair?

Hon. Senators: Agreed.

• (1600)

The motion in amendment was negated on the following division:

YEAS THE HONOURABLE SENATORS

Callbeck	Hervieux-Payette
Campbell	Hubley
Chaput	Losier-Cool
Charette-Poulin	Lovelace Nicholas
Cordy	Mahovlich
Cowan	Mercer
Dallaire	Merchant
Dawson	Moore
Day	Munson
De Bané	Peterson
Downe	Poy
Dyck	Ringuette
Eggleton	Rivest
Fairbairn	Robichaud
Fraser	Smith (<i>Cobourg</i>)
Furey	Tardif
Harb	Zimmer—34

NAYS THE HONOURABLE SENATORS

Andreychuk	Maltais
Angus	Marshall
Ataullahjan	Martin
Boisvenu	Nancy Ruth
Braley	Neufeld
Brazeau	Nolin
Brown	Ogilvie
Buth	Oliver
Cochrane	Patterson
Comeau	Plett
Dagenais	Poirier
Demers	Raine
Di Nino	Rivard
Doyle	Runciman
Duffy	Seidman
Eaton	Seth
Fortin-Duplessis	Smith (<i>Saurel</i>)
Frum	Stewart Olsen
Gerstein	Stratton
Greene	Tkachuk

Housakos
Johnson
Lang
LeBreton
MacDonald

Unger
Verner
Wallace
White—49

ABSTENTIONS THE HONOURABLE SENATORS

St. Germain—1

The Hon. the Speaker: Accordingly, the motion in amendment is defeated.

Honourable senators, the question before the house is on third reading of Bill S-6. Are honourable senators ready for the question?

Some Hon. Senators: Question.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Some Hon. Senators: Agreed.

Some Hon. Senators: On division.

The Hon. the Speaker: Adopted, on division.

Hon. Patrick Brazeau: Honourable senators, I wanted to put on the record that I obviously voted against the amendments proposed. However, I was also going to abstain on the original piece of legislation for the following reasons. First, I would like to commend the government for trying to tackle —

The Hon. the Speaker: Honourable senators, when an honourable senator during a standing vote, as occurred a moment ago, chooses to vote in favour of the motion or vote against the motion, when the chair calls for those who wish to abstain, it has been our practice to allow the honourable senator to explain the abstention. However, not having had a standing vote called for, we did not have that same situation prevailing.

Therefore, I must turn to the table to continue the formalities of third reading having been adopted.

(Bill read third time and passed, on division.)

• (1610)

[Translation]

INDUSTRIAL ALLIANCE PACIFIC INSURANCE AND FINANCIAL SERVICES INC.

PRIVATE BILL—SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator Comeau, seconded by the Honourable Senator Wallace, for the second reading of Bill S-1003, An Act to authorize Industrial Alliance Pacific Insurance and Financial Services Inc. to apply to be continued as a body corporate under the laws of Quebec.

Hon. Dennis Dawson: Honourable senators, as Senator Comeau mentioned, this is not a controversial bill. A private company requested this bill in order to move from federal jurisdiction to the provincial jurisdiction of the Province of Quebec. Industrial Alliance Pacific, IAP, is a subsidiary of Industrial Alliance Pacific Insurance and Financial Services, an insurance company incorporated under the laws of Quebec.

In order to make the change between the federal and provincial jurisdictions, a private bill has to be passed since no other provision under the Insurance Companies Act of Canada can transfer a federally regulated company to a provincial jurisdiction. This initiative is similar to the one taken last December to bring another of their subsidiaries under Quebec's jurisdiction. As was the case last December, the parent company is seeking this change in an effort to be more efficient.

It should be noted that the company received approval from both financial market regulating bodies, at the federal and provincial levels.

I would add that this institution is not setting a precedent because, since 1994, four insurance companies have gone through the same process in order to be subject to the laws of Quebec. The last time we passed similar legislation was in December for the same company.

In closing, I would like to add that it is perhaps time to recommend to the Government of Canada that it amend the Insurance Companies Act to allow jurisdictional transfers to be made without taking up the precious time of the House and committees. As I said earlier, I asked that the Library of Parliament look into viable options. One of the conclusions in the report is that the reason there is no clause allowing for a transfer of jurisdiction is to protect the interests of insurance policy holders. We could therefore, for example, include a provision that would allow a transfer of jurisdiction if the minister or the Superintendent of Financial Institutions is convinced that the regime in the new jurisdiction offers policy holders protection similar to that offered by the federal legislation.

I will come back to this soon, honourable senators.

[English]

If honourable senators agree, with leave of the Senate and notwithstanding rule 58(1), I will now move, and I think that Senator Comeau agrees:

That rule 115 be suspended with respect to Bill S-1003, An Act to authorize Industrial Alliance Pacific Insurance and Financial Services Inc. to apply to be continued as a body corporate under the laws of Quebec.

And that the bill be referred to the Standing Senate Committee on Legal and Constitutional Affairs.

[Translation]

Hon. Gerald J. Comeau (Acting Deputy Leader of the Government): I second the motion of my colleague, Senator Dawson, that we abandon the one-week waiting period in order to send this bill directly to committee.

The Hon. the Speaker: This motion has been formally moved by Senator Dawson and seconded by Senator Comeau.

Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

Hon. Joan Fraser: Has the bill been read for the second time? It is just a procedural question: does this motion replace second reading?

Senator Comeau: If I understand correctly, it is a motion to send the bill directly to committee, so this does not replace second reading. We can now proceed with second reading and avoid the one-week waiting period, if I understand the nature of the motion correctly.

The Hon. the Speaker: If we want to use rule 115, that applies. That is the procedure. Okay?

Hon. Fernand Robichaud: Has the bill before us gone through second reading?

The Hon. the Speaker: Not yet.

Senator Robichaud: But it will be referred to the committee, right?

Senator Dawson: There will be an order of reference to suspend the waiting period.

Senator Comeau: Honourable senators, I move that the bill be referred to the Standing Senate Committee on Legal and Constitutional Affairs.

The Hon. the Speaker: Maybe we should start over. Today's Order Paper lists this bill at second reading. Senator Dawson, seconded by Senator Comeau, is using rule 115 to not continue debate at second reading and suspend the one-week waiting period.

Senator Robichaud: Suspend the waiting period.

The Hon. the Speaker: Yes, that period. Is that right?

[English]

Senator Fraser: Forgive me, Your Honour, but those of us who serve on that committee are going to need to know the status of the legislation that it is proposed to refer to us. I may be being excessively thick today, but I thought you did second reading and

then you had your motion to refer, despite rule 115. I am not quarreling with the goal of the procedure here, but I want to know what it is we will be getting.

The Hon. the Speaker: What the suspension of rule 115 is doing is not proceeding for that week. It states:

A private bill originating in the Senate, of which notice is required to be given, shall not be considered by a committee until after one week from the date of referral to such committee and, in the case of any such bill originating from the House of Commons, until twenty-four hours thereafter.

I understand that all we are doing is suspending that rule as far as the number of days, which is a week, for the referral. Second reading is suspended. We are not proceeding with second reading.

Let me appeal to the house to explain this one, because I confess my ignorance.

Hon. Claudette Tardif (Deputy Leader of the Opposition): Honourable senators, I am not sure I understand either, but would it not be the case, because we have accepted to dismiss rule 115, that Your Honour should now ask the question, perhaps, of when we may consider second reading of this and then we could proceed and put second reading before us?

The Hon. the Speaker: I believe where we are at is that we have the bill and that we are at second reading. When second reading has been concluded, and should second reading conclude with a subsequent motion that the bill be referred to a committee, that committee can deal with the matter without having to wait the period of time that is required. That is all we are doing. I thank honourable senators for helping the chair understand this rule.

• (1620)

[Translation]

Senator Comeau: Honourable senators, this is a rule that, I think, very few of us have ever used. Senator Dawson found it, but it is going to help us in our review of this very important bill for business.

I want to thank every senator for unanimously agreeing that if we refer the bill to committee, that the committee will consider the bill immediately.

If no one else wants to speak to this bill, then I move that it be referred to the Standing Senate Committee on Legal and Constitutional Affairs for an in-depth study.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion for second reading of this bill?

Hon. Senators: Agreed.

(Motion agreed to, bill read the second time.)

REFERRED TO COMMITTEE

The Hon. the Speaker: It is moved by Senator Comeau, seconded by the honourable senator, that this bill be referred to the Standing Senate Committee on Legal and Constitutional Affairs.

Is it your pleasure, honourable senators, to adopt the motion?

(Motion agreed to, bill referred to Standing Committee on Legal and Constitutional Affairs.)

[English]

BUSINESS OF THE SENATE

The Hon. the Speaker: Honourable senators, I wish to advise the house that the Speaker's Ruling on the first report of the Rules Committee will be brought down tomorrow.

HUMAN RIGHTS IN IRAN

INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Frum, calling the attention of the Senate to egregious human rights abuses in Iran, particularly the use of torture and the cruel and inhuman treatment of unlawfully incarcerated political prisoners.

Hon. Joan Fraser: Honourable senators, I owe an apology to Senator Frum. I promised her that I would speak before the break, and time ran away with me; we were quite busy that week. Although I have almost all of my material put together, I am not quite complete. I will speak to this motion next week, but in the meantime I crave your indulgence and ask for the adjournment for the balance of my time.

(On motion of Senator Fraser, debate adjourned.)

[Translation]

THE SENATE

MOTION TO URGE THE GOVERNMENT
TO MODERNIZE AND STANDARDIZE THE LAWS THAT
REGULATE THE MAPLE SYRUP INDUSTRY—
DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Raine, seconded by the Honourable Senator Andreychuk:

That the Senate call upon the Government of Canada to modernize and standardize the laws that regulate Canada's maple syrup industry, which is poised for market growth in

North America and overseas, and which provides consumers with a natural and nutritious agricultural product that has become a symbol of Canada;

That the Government of Canada should do this by amending the *Maple Products Regulations*, in accordance with the September 2011 recommendations of the International Maple Syrup Institute in its document entitled "Regulatory Proposal to Standardize the Grades and Nomenclature for Pure Maple Syrup in the North American and World Marketplace", for the purpose of:

- (a) adopting a uniform definition as to what constitutes pure maple syrup;
- (b) contributing toward the development of an international standard for maple syrup, as it has become very apparent that the timing for the introduction of such a standard is ideal;
- (c) eliminating non-tariff measures that are not found in the international standard that may be used as a barrier to trade such as container sizes and shapes;
- (d) modernizing and standardizing the grading and classification system for pure maple syrup sold in domestic, import and export markets and through interprovincial trade, thereby eliminating the current patchwork system of grades that is confusing and fails to explain to consumers in meaningful terms important differences between grades and colour classes;
- (e) benefiting both marketing and sales for an industry that is mature, highly organized and well positioned for growth;
- (f) enhancing Canadian production and sales, which annually constitutes in excess of 80% of the world's annual maple products output; and
- (g) upholding and enhancing quality and safety standards as they pertain to maple products;

And on the motion in amendment of Senator Nolin, seconded by the Honourable Senator Lang, that the motion be amended as follows:

- 1) By replacing the words "which is poised for market growth" by the words "which wants to pursue its dynamic development"; and
- 2) By replacing paragraph (d) in the motion by the following:

"Modernizing and standardizing the grading of pure Maple syrup sold in domestic, import and export markets and through interprovincial trade which would explain more clearly to the consumer the classification and the grading system;"

Hon. Céline Hervieux-Payette: Honourable senators, after a very short season this year, it is almost maple syrup production time; but before this becomes a touchy subject for my colleague, the champion skier, I decided to start my speech by telling you about my personal experience in this regard.

My grandfather had a sugar shack on his land. When we were young, we made the rounds of the sugar bush with a magnificent Percheron. We did not have many modern conveniences. We went to an old cabin with a leaky roof and we boiled the sap 24 hours a day. The men did the rounds while the women worked in the kitchen. I remember well that a flask was passed around every time to help people get through the harvest.

It was much less complicated than what is being proposed today, namely, a project to standardize grades of maple syrup, which was developed and proposed by the International Maple Syrup Institute. Everything seems to be in order. The motion is quite well developed, and I do not intend to comment on it in any detail.

However, what I did notice is that we have two types of producers in Quebec. We have craft producers, such as my grandfather, my uncles and my cousin, who is still producing maple syrup: these are small operations. They are a little more sophisticated today, since they have a pipeline system, whereas, in the good old days, we went around the sugar bush with the horse and emptied each bucket into a giant barrel and then brought the sap back so that it could be boiled.

We are talking about large sums, thousands of jobs, real, commercial operations. To read the file that the Fédération des producteurs acéricole du Québec gave me, I realize this is the direction they are being asked to take, but that there has not been a general consultation, certainly not among the small producers. We are talking about rather elaborate concepts such as appellation control, for which, as with wine, all sorts of standards apply. The documents also talk about the colour, the level of sweetness, and so on. The fact remains that if tomorrow the small craft producers were faced with all these approved international standards, I would like them to be happy or exempt.

In the present case, the only person equipped to exempt them is the Minister of Agriculture whose departmental budget has just been cut by \$300 million under the recent federal budget.

I guess that is the cause for the delay, because it seems to me that if the funds were available, the Senate would not be asked to deal with this type of issue. I have no problem with there being a study. I think it is important.

When it comes to small and large producers, there may also be a conflict of interest because we must realize that the large producers want to export. In future, standards might be imposed on the small producers that will affect their commercial operations and even make them unable to see the process through.

Even though this motion is motivated by good intentions, I think it is unnecessary. We could simply tell the minister, who has received the briefs and is aware of the issue, that there needs to be

a consultation process in place for small and large producers alike and that he should go see for himself how things operate in the sugar bushes.

There have been all kinds of recommendations. The agriculture committee studied the issue, and now we have a motion to tell the minister to do his job. I have been in politics for several years now, and I do not think that we should have to tell the Minister of Agriculture to take care of producers. That is what he should be doing.

With respect to the motion and the amendment, what worries me is that, even though 80 per cent of the production is exported, we have to remember to put Quebecers first. We also have to remember that Quebec accounts for nearly 90 per cent of production. Of course this is important to us.

Even now it seems that we are not the priority when Quebec issues come up. Just look at the number of MPs, which I think is fairly representative of reality. Personally, even though I commend my colleague's good intentions, I have neither the skills nor the expertise to evaluate this kind of thing. I will do that when we get the report.

There is currently a proposal from an organization made up of large-scale producers, but small-scale producers were not consulted. In my opinion, honourable senators, this is not a bad motion, but there should be no need for it because the minister should do his job.

In conclusion, I cannot support this motion as written. I understand that people who are part of the organization of large-scale producers support it, but they have not considered all aspects of the motion, such as how to evaluate syrup colour and viscosity and how to grade it correctly.

• (1630)

There are dishonest competitors who make imitation syrup. The honourable senators who come from other provinces may never have seen imitation syrup but, in Quebec, we see it regularly. Imitation syrup generally has a lot of water added to it and it is often of very poor quality.

Quebec will certainly benefit from always having a high quality product. I believe that the way to implement the system is to have the 750 small producers — that is a lot of people — agree to a process and make them aware of the effects on their business. If that were to happen, I would agree. The problem must be resolved.

And so, I simply send this motion back to the government and ask it to examine it, to redo its homework. Then, we can take comfort in knowing that we have a standard that eliminates unfair competition, that maple syrup will not be confused with corn syrup, and that the maple syrup industry will prosper both now and in the future. It is important that people at the local level are satisfied. I cannot support this motion as it stands.

Hon. Gerald J. Comeau (Acting Deputy Leader of the Government): Honourable senators, I learned that Senator Carignan, who cannot be here this week, has an interest in this subject. He asked that the debate be adjourned in his name. I believe that Senator Hervieux-Payette's comments will provide

Senator Carignan with additional motivation to correct certain comments that were made in the past few minutes. I move that the debate be adjourned in Senator Carignan's name.

(On motion of Senator Comeau, for Senator Carignan, debate adjourned.)

[English]

MULTIPLE SCLEROSIS AND CHRONIC CEREBROSPINAL VENOUS INSUFFICIENCY

INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Cordy, calling the attention of the Senate to those Canadians living with multiple sclerosis (MS) and chronic cerebrospinal venous insufficiency (CCSVI), who lack access to the "liberation" procedure.

Hon. Jane Cordy: Honourable senators, as you know, the MPs were given a briefing on CCSVI, and I asked the Leader of the Government in the Senate if she would make a similar briefing available for senators. She kindly arranged to do that. That briefing will take place this week, so I would like to adjourn the debate in my name for the remainder of my time. I will speak after I have the briefing.

(On motion of Senator Cordy, debate adjourned.)

THE SENATE

MOTION TO URGE GOVERNMENT TO OFFICIALLY APOLOGIZE TO THE SOUTH ASIAN COMMUNITY AND TO THE INDIVIDUALS IMPACTED IN THE KOMAGATA MARU INCIDENT—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Jaffer, seconded by the Honourable Senator Munson:

That the Government of Canada officially apologize in Parliament to the South Asian community and to the individuals impacted in the 1914 Komagata Maru incident.

Hon. Yonah Martin: I rise today to remind honourable senators what a great country we live in. Unlike many countries around the world, Canada allows us to have certain freedoms that may not be found in other countries. Here, we are provided with freedom of speech, freedom of independent thought, freedom of religion, freedom of expression and opinion, freedom to travel abroad, and countless other freedoms that we take for granted every day.

If we choose to make something of our lives, we certainly can. We have protected ourselves, through our laws, to allow each and every Canadian citizen and permanent resident to achieve what we aim to do in our lives. Our quality of life and the opportunities

available to us here are unparalleled. It is no wonder that people from across the world look to Canada as a place to live, raise a family, invest, start a business and grow old.

When we look at our immigration system, it is a busy and vibrant government department. It is based on principles of fairness and justice. Minister Jason Kenney must be congratulated on taking hold of one of the most sensitive ministries in our government and making it what it is today.

Some Hon. Senators: Hear, hear.

Senator Martin: Each year, our country accepts a quarter of a million immigrants to live here. People fleeing persecution or simply wanting to make a better home for themselves and their families come here. Through our policies, we are shaping the future of our country with people who have brilliant minds and are eager to work. All of these new Canadians can find a home here in our great country, just as my family and I have.

Sadly, this has not been the case in Canada's history. This place has not always been the fair and just haven for migrants and refugees that it is today. In the past, certain laws were formed to discriminate against certain people coming into this country. To recognize these injustices, our government, as soon as it took power in 2006, embarked on a number of initiatives to address the wrongs carried out to various communities throughout our country's history.

One of these misfortunes was the incident of the *Komagata Maru*. In 1914, almost a century ago, there was a Japanese steamship named the *Komagata Maru*, carrying 340 Sikhs, 24 Muslims and 12 Hindus. All of these 376 passengers were British subjects from the Punjab state of India. When the ship arrived at the harbour of Vancouver, 356 of the passengers were not allowed to enter the Dominion of Canada. The reason given was that this steamship did not make a continuous journey to Canada as prescribed by Canadian immigration regulations at the time. The ship sailed from Hong Kong to Shanghai, China, then to Yokohama, Japan, and, finally, to its destination of Vancouver, Canada. Just a few years earlier, the Canadian government had passed an order-in-council that prohibited the immigration of persons who did not come from the country of their birth or citizenship by continuous journey or through ticket purchase before leaving the country of their birth or nationality. This ultimately eliminated all ships that began their voyage from India since there was no way that a ship could go from India to Canada without making at least one stop.

This exclusionary law was basically designed to keep out immigrants of Asian origin. Only 20 of *Komagata Maru's* passengers were allowed to arrive on Canada's shores, while all the rest were turned away since the steamship violated the 1908 exclusions laws of not sailing directly from India. The steamship had no choice but to turn back to Asia at end of July, after being moored for two months on the shores of Canada.

What happened next was tragic. The *Komagata Maru* arrived in Calcutta, India, now known as Kolkata, at the end of September, a full six months from its original departure date in Hong Kong. A British gunboat assumed that the ship had political agitators on

board since it was turned away from Canada. A skirmish broke out, ending in the death of 19 of the passengers. The remainder were arrested, imprisoned or kept under village arrest for the duration of the First World War.

Who knows how history would have played out if Canada had allowed all of these migrants to come ashore? One piece of information that we do know is that the Indo-Canadian community has made an enormous contribution to the building of our nation.

The immigration restrictions that were imposed at the turn of the 20th century mark an unfortunate period in our country's history.

To try to acknowledge and right this wrong, the Conservative government has established a fund for community projects aimed at acknowledging the impact of past wartime measures and immigration restrictions on ethno-cultural communities. This initiative is called the Community Historical Recognition Program, also known as CHRP. This program funds community-based commemorative and educational projects that recognize the experiences of ethno-cultural communities affected by historical wartime measures and immigration restrictions applied in Canada. This program is also focused on promoting communities' contributions to building this country. The CHRP was announced in 2006 and launched in 2008. It provides up to \$2.5 million in funding for eligible projects to recognize the *Komagata Maru* incident.

This program actually has three components to it to acknowledge other wrongs of Canada's past. The first component is a \$10-million endowment fund to support initiatives related to the First World War internment experience for all affected communities. This particular fund is managed by the Ukrainian-Canadian Foundation of Taras Shevchenko.

• (1640)

The second component makes \$5 million in grants and contributions available to each of the Italian-Canadian and Chinese-Canadian communities in relation to the Second World War internment and immigration restrictions respectively.

Under the third component of the CHRP, both grants and contributions funding are available for commemorative projects relating to other wartime measures or immigration restrictions. This not only includes the *Komagata Maru* incident, but also the *MS St. Louis* incident, which affected the Jewish-Canadian communities. Each ethno-cultural community can access up to \$2.5 million.

A key element of the CHRP is the establishment of individual advisory committees for affected ethno-cultural communities to provide advice to the Minister of Citizenship, Immigration and Multiculturalism through Citizenship and Immigration Canada officials on the relative merit of eligible projects. The Indo-Canadian Advisory Committee met for the first time on June 29, 2009. As a result of that meeting, the ICAC recommended three projects for funding with Minister Kenney approving them.

Funding was allocated to Grayhound Information Services in Metcalfe, Ontario; Peripheral Visions in Toronto, Ontario; and the Progressive Intercultural Community Services Society in

Surrey, B.C. One of the projects, *Beyond the Gardens' Wall: The Asian Immigrant Workers of Tod Inlet* by Grayhound Information Services, addressed the immigration restrictions that affected both the Chinese-Canadian and the Indo-Canadian communities. It was reviewed and recommended by the advisory committees for both of these communities.

On January 19, 2010, a new call for proposals under the CHRP was issued and additional project proposals were being accepted. I am happy to say that to date, five more projects have been accepted with a focus on the *Komagata Maru* incident. Aside from these projects, it is also important to see how the Conservative government handled this incident publicly. In May 2008, the Government of Canada secured passage of a unanimous motion in the House of Commons recognizing the *Komagata Maru* incident and apologizing to those who were directly affected. On August 3, 2008, Prime Minister Stephen Harper conveyed that apology to members of the Indo-Canadian community in Surrey, B.C.

This historic apology follows on the heels of others made for past wrongs by the Canadian government, such as the Japanese internment during the Second World War and the Chinese Head Tax. It is important that we acknowledge our past wrongs and never forget the contributions made to our country by immigrants from across the world. After all, we are a nation of immigrants with different views on life. That is what makes Canada so unique and dynamic. Each of us brings a unique contribution to our society. It is because of our differences that we are so strong, so accepting and so prosperous. Our diversity brings a resilience that helps us to weather all storms, the cold, the rain, the snow and the turbulent economic troubles that threaten our livelihood.

I am proud that our Prime Minister apologized on behalf of the country to those adversely affected by the *Komagata Maru* incident. I stand behind the Prime Minister in recognizing that the unfair immigration laws of the past held back what may have been some great contributors to our society. Honourable colleagues, we should never forget our past. By not forgetting, we hopefully will avoid making any future mistakes or misdeeds such as the *Komagata Maru* incident.

Hon. Art Eggleton: Will the honourable senator take a question?

Senator Martin: Yes.

Senator Eggleton: I applaud Senator Martin for her remarks on the *Komagata Maru* and on the past wrongs that have been carried out over many years by different governments in this country. The honourable senator said early on that she lauded Mr. Kenney and the government in terms of its fairness of practices. Yet, we hear now that people who have applied to immigrate to this country prior to 2006 are part of the backlog, are to be told that they are being removed from the backlog and that if they so choose, they can apply again. However, the rules have changed, so some of them will not be able to apply again. People who have put their lives on hold for years while waiting to hear from the government about the processing of their applications are suddenly being told that they are gone. Where is the fairness in that?

Senator Martin: Honourable senators, I made reference to the work that Minister Jason Kenney has been doing and some of the reform initiatives based on broad consultation and to the courage and the commitment with which he is approaching these reforms. I am aware of some of these cases, and some people that I know personally. I have confidence in our officials and the ministry to handle those cases in the best way.

My statement today was about the *Komagata Maru* incident. I was in B.C. on the day the Prime Minister made that apology on behalf of the government. When the motion was unanimously passed, it meant so much to those who had been affected directly and to the survivors of the victims.

I will stand by that record. Our Minister Kenney works tirelessly. I have seen his schedule and how he goes across the country. I have confidence in his staff and officials and in their abilities to address what they have to address.

Senator Eggleton: I hear all of that, and I applaud the honourable senator for the remarks she has made about our past wrongs. However, I am afraid we might be on the verge of another wrong. Many people have put their lives on hold while they were in the system as part of the backlog of applicants. Now, they are now being told to get lost. I do not see the fairness in that. I hope that the honourable senator will take it up with the minister because we do not need another wrong in our immigration policy.

(On motion of Senator Tardif, debate adjourned.)

CHARTER OF RIGHTS AND FREEDOMS

INQUIRY—DEBATE ADJOURNED

Hon. James S. Cowan (Leader of the Opposition) rose pursuant to notice of April 5, 2012:

That he will call the attention of the Senate to the 30th Anniversary of the *Canadian Charter of Rights and Freedoms*, which has done so much to build pride in our country and our national identity.

He said: Honourable senators, thank you for agreeing to expedite the launch of this inquiry to draw the attention of the Senate to a remarkable event that took place 30 years ago last week: On April 17, 1982, Her Majesty Queen Elizabeth, Prime Minister Trudeau and then Justice Minister Jean Chrétien signed the Charter of Rights and Freedoms. Finally, after more than 100 years, Canada's Constitution was truly Canadian, and finally Canadians had a constitutionally enshrined Charter setting out the fundamental rights and freedoms of all of us — rights and freedoms that no government may violate.

Some Hon. Senators: Hear, hear.

• (1650)

Senator Cowan: An entire generation has grown up never knowing their country without the Charter. It is easy to be complacent and to take its guarantees for granted. I want to take

a moment to read a passage from a speech that Mr. Trudeau gave while serving as Prime Minister Pearson's Minister of Justice, at the Constitutional Conference of February 1968. Even then, he was convinced that Canada needed a constitutionally entrenched Bill of Rights. He said:

I have been asked what need there is in Canada for a Bill of Rights. My answer is that our need may not be so great as is that of persons in some other countries. But my answer as well is that we should not overemphasize our righteousness. We are not in this country innocent of book-burning or banning legislation, or deprivations by law of previously guaranteed minority language rights, of legal expropriation which at times appears to be more akin to confiscation, of persons arrested in the night and held incommunicado for days. We have no reason to be complacent. How many Canadians know that Canadian law permits evidence to be introduced by the police in criminal trials no matter how illegally that evidence may have been obtained? Apart from confessions, for which there are elaborate rules to ensure that they are voluntary, incriminating evidence —

— and this is 1968 —

— is admissible in our courts no matter how obtained. It may have been gained by fraud; the law-enforcement agencies may have stolen it; they may have obtained it without a search warrant, or by means of breaking-and-entering private premises. To the great credit of the police forces of this country, these tactics are seldom employed. But do we wish to live in a country where they may be employed? And where, on occasion, they are employed? Where one standard of conduct is expected of citizens and another permitted of government agencies?

I do not, and it is my guess that the great number of Canadians do not.

Mr. Trudeau was right, and that is why Canadians have overwhelmingly embraced the Charter.

From its inception, the Charter was viewed as the “people’s package.” It was not something that was imposed from on high. In fact, Canadians turned up in unprecedented numbers to engage in drafting the text. Professor Lorraine Weinrib, the highly respected professor of law at the University of Toronto, described what happened at the time:

In publicly televised parliamentary hearings . . . representatives of a wide spectrum of the Canadian public lined up to identify infamous breaches of the liberal democratic values of liberty, equality and fairness. One after another, public interest groups derided the negligible level of protection afforded to fundamental rights and principles under the Canadian Constitution, the statutory Bill of Rights, and the common law. They demanded a strong Charter to prevent repetition of egregious denials of liberty, equality and fairness to the wide range of Canadians they represented. The government welcomed this friendly fire. Amendments quickly replaced a number of weak and deferential provisions.

Writing last week in the *Ottawa Citizen*, Andrew Cohen called it a “carnival of democracy” and “a glorious exercise to cover” as a journalist. The special committee — which was co-chaired by our colleague Senator Joyal, then a member of the other place — sat for 56 days of televised hearings, hearing 914 individuals and 294 groups. By the way, for those of us who have been accustomed in recent years to seeing ministers appear for sometimes less than an hour, it is interesting to recall that then Minister of Justice Jean Chrétien testified before the committee for more than a hundred hours, explaining the meaning of key words and sections.

Senator Mercer: Now, that is open democracy.

Senator Cowan: As he wrote in his book *Straight from the Heart*: “It was a hell of a test.” However, I believe the Charter benefited from that demanding process — and as a consequence, so have we all.

Professor Weinrib wrote:

If democratic engagement constitutes the touchstone of political legitimacy, as those who opposed the Charter contended, then Canada’s new Charter, with its expansive guarantees and stringent limitation clause, enjoyed considerable legitimacy. The wide array of public interest groups that participated in the final drafting of these clauses functioned in many respects as the constituent assembly that Canada had never had.

Today, the Charter has become one of the most important symbols of Canadian national identity. An Environics poll in the fall of 2010 found the Charter was the second highest ranked national symbol for Canadians — our health care system was number one. The Charter was considered more important even than the flag and our national anthem. That is how deeply it is now etched in our national consciousness.

Indeed, I noticed last week that someone was offering a special free smartphone app for the Charter, complete with a menu of the different categories of rights and freedoms protected by it. They said they were doing this “to help celebrate the thirtieth anniversary of the adoption of the Canadian Charter of Rights and Freedoms.”

There have been reports in recent days that Prime Minister Harper decided not to mark this anniversary of the Charter because he is sensitive to the concerns of Quebecers about the Constitution. I suspect many Quebecers would wish that instead of sitting out last week’s celebration in supposed deference to their constitutional concerns, the Prime Minister would sit down with the Quebec government and work out present-day differences on issues like the gun registry, approaches to youth criminal justice and Senate reform.

Some Hon. Senators: Hear, hear.

Senator Cowan: Perhaps he would even hold a first ministers’ meeting.

[Senator Cowan]

In fact, a CROP poll last October found that an overwhelming majority of Quebecers, 80 per cent, said that patriation of the Constitution was a good thing. Fully 88 per cent supported the Charter. With similar support across the country, is it really asking too much for the Prime Minister of Canada to join Canadians in celebrating this anniversary?

The Charter was truly transformative in our nation’s history. In 1982, then Minister of Justice Mark MacGuigan said that the Charter was, as he described it, the “most significant legal development in Canada in the 20th century.” That was not long after the Charter was signed.

On the tenth anniversary of the Charter, then Chief Justice Antonio Lamer exuberantly said that the Charter had produced “a revolution on the scale of the introduction of the metric system, the great medical discoveries of Louis Pasteur, and the invention of penicillin and the laser.”

Most recently, just last week, Louise Arbour, former Supreme Court justice, former UN High Commissioner for Human Rights, and now President and CEO of the International Crisis Group, wrote that “the most significant political event of post-Second World War Canada may be the enactment of the Charter of Rights and Freedoms.” She continued: “It has transformed a country obsessed with the federal-provincial division of powers and enabled it to address its diversity in a substantive, principled way.”

Honourable senators, why is the Charter so beloved by Canadians? Why does it elicit such extravagant praise? Undoubtedly, it is largely because of the particular rights and freedoms that are enshrined. A number of my colleagues will be speaking to the profound impact of individual provisions of the Charter, but I believe there is something more. It is the pride in knowing that our country stands absolutely for certain fundamental principles, which no individual government may take away — knowing that the courts stand ready to defend those principles, those fundamental prices and freedoms, that they are not held on sufferance or by the good grace of the majority of the day, but by right, under the Constitution itself.

I will admit that I am often surprised when some members of the Conservative Party speak disparagingly of provisions of the Charter. The Charter is the bulwark against government interference into the private lives of Canadians. It is the defender of our personal freedom. I should have thought that this was the ultimate Conservative value, especially for a government so intent upon defending individual freedom against government that it abolished the mandatory long-form census because it allegedly was too intrusive and coercive for Canadians to endure any longer. Sadly, this does not appear to be how those in power today truly view the relationship between government and citizens. Ask the environmental organizations about their freedom to speak out these days against government policies. However, that is another debate.

In the meantime, the members of the Harper government prefer to gloss over the impact of the Charter. They try instead to highlight the contribution of Conservative Prime Minister Diefenbaker and the Bill of Rights.

• (1700)

I recognize and applaud the good efforts of Prime Minister Diefenbaker. I have always acknowledged his visionary contributions to Canadian life. The problem is that the Bill of Rights was an ordinary act of the Parliament of Canada. It never fulfilled its promise. It simply was not an effective vehicle to protect the fundamental rights and freedoms of Canadians, but it was a good beginning.

At the outset of these remarks I quoted Prime Minister Trudeau from 1968 on some of the reasons Canada needed a constitutionally entrenched charter. Let me give honourable senators one more example, from just a few years before the Charter was negotiated and signed.

In 1974, the police in Ontario raided a tavern in Fort Erie. During the raid, they physically searched almost all of the 155 patrons and subjected the 35 women present to strip and body cavity searches. The result? The police snared all of six ounces of marijuana, most of which, by the way, was located on the floor of the tavern and not on anyone's clothing or inside body cavities.

The Honourable Marc Rosenberg, Justice of the Court of Appeal for Ontario, wrote about this case in an article that examined the impact of the Charter on criminal law on the occasion of the twenty-fifth anniversary of the Charter. This is what he said at that time:

The point of the Fort Erie story, of course, is not that the police acted foolishly or with an excess of zeal but that they acted completely lawfully. The Charter, however, changed that. With the enactment of section 8 — the guarantee to protection against unreasonable search and seizure — writs of assistance and other broad statutory powers of warrantless search were struck down.

The Charter was revolutionary, to use Chief Justice Lamer's word, not just for Canadian law, but as a constitution among constitutions as well. It broke new ground in several ways, most notably with section 1, which guarantees the rights and freedoms prescribed in the Charter "only to such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society." There is also section 33, the legislative override, the so-called "notwithstanding" clause.

These were groundbreaking provisions at the time and highly controversial. The result was to provide a new path, an alternative to legislative supremacy along the Westminster model, on the one hand, and judicial supremacy along the American model, on the other.

Professor Weinrib described it this way:

The Charter's structure of rights protection linked a relatively expansive catalogue of guaranteed rights, coupled with a stringent and principled limitation clause, to a legislative override clause applicable only to some of the guarantees. Thus, the courts acquired a new constitutionally dictated judicial function. Similarly, the override clause vested in Canada's legislatures a new constitutionally dictated political function.

Honourable senators, one of the biggest debates that still rages about the Charter is whether Parliament has ceded too much power to the judiciary or, conversely, that governments today abdicate their responsibilities to address the tough questions, leaving it to the courts to decide under the Charter. Certainly, reasonable people can hold different views over whether, buttressed by the courts' responsibility to uphold the Charter, governments have become too timid or passive on controversial issues. However, surely it is wrong to blame the Charter for a government's timidity.

In my opinion, the Charter strikes a careful balance between judicial and legislative power that takes traditional parliamentary supremacy and adapts it to a new order with a constitution that is supreme and transfers a measure of power to each and every Canadian. The limiting words in section 1, and the ever-present option of invoking section 33, have acted to open up what Peter Hogg has called "the Charter dialogue between the courts and legislatures." In a famous article, he wrote the following:

In considering the legitimacy of judicial review, it is helpful to think of such review as part of a "dialogue" between judges and legislatures. . . . Thus a judgment can spark a public debate in which Charter values are more prominent than they would have been otherwise. The legislative body is then in a position to decide on a course of action — the re-enactment of the old law, the enactment of a different law, or the abandonment of the project — that is informed by both the judgment and the public debate that followed it.

We are not the United States; we have a different system and our Charter reflects that. In contrast to our neighbours to the south, where some argue that their constitution is to be interpreted according to the original intent of the founders, back in the 1700s, here we have a concept of the constitution as a living tree. Our courts have, thankfully, not been politicized. Our Supreme Court is considered, as John Ibbotson said in a recent *Globe and Mail* article, "an exemplar in balancing constitutional and legislative powers, a role the American Supreme Court lost after Republicans and Democrats turned it into an ideological battleground."

In fact, this Charter, which broke new ground in 1982, has become a model for nations around the world. Two American professors, David Law and Mila Versteeg, recently conducted an extensive study in which they looked at 729 constitutions adopted by 188 different countries from 1946 to 2006. Their analysis concluded that the U.S. Constitution, long considered the model for the world and justifiably called a "gift to all nations," in fact is declining in influence. They concluded that one of the likeliest heirs to the throne as "the primary source of inspiration for constitution-making in other nations," as they described it, is none other than Canada. They stated:

A stark contrast can be drawn between the declining attraction of the U.S. Constitution as a model for other countries and the increasing attraction of the model provided by America's neighbor to the north, Canada.

The Charter was the leading influence upon the drafting of the South African Bill of Rights, the Israeli Basic Laws, the New Zealand Bill of Rights and the Hong Kong Bill of Rights, among

others. Several scholars have concluded that Canada is at the forefront of a "new Commonwealth model of constitutionalism."

Law and Versteeg headed their chapter on the Charter's influence: "Is Canada a constitutional superpower?" No wonder Canadians are so proud of what was achieved 30 years ago last week.

The Constitution we forged is today influencing the world. The extensive negotiations and direct input of hundreds of Canadians and Canadian organizations have combined to create something now looked to by other nations as a model to follow. What a tribute to the wisdom of Canada's political leaders 30 years ago, spearheaded by the leadership of Pierre Trudeau and Jean Chrétien, but achieved because of the concerted efforts of leaders of diverse political parties and regions — Roy McMurtry, Richard Hatfield, Bill Davis and Roy Romanow, to name a few.

Honourable senators, I know there are some today who deride so-called "soft power." I take great pride in knowing that one of Canada's greatest gifts to the world is our Charter — its ideas of fundamental rights and freedoms, of balancing respective powers in a federal state, and judicial and legislative powers — ideas of basic respect and a just society.

Law and Versteeg wrote:

All other things being equal, the more democratic that a particular country happens to be, the more that its constitution will resemble that of Canada.

• (1710)

They say that:

Some countries may be especially prone to borrow from the Canadian Charter of Rights and Freedoms because they perceive themselves as sharing the same goals and values as Canadian society, or because they are exposed to a greater than average degree to Canadian legal thought. . . .

What a tribute — what a great legacy.

Yes, the thirtieth anniversary of achieving what many thought would prove impossible is indeed cause for celebration. It is a time to pause and reflect on how far we have come as a nation and what we have come to represent to the world.

Honourable senators, I must tell you that I cannot comprehend why the Harper government has chosen not to mark this occasion with something more than a perfunctory press release. Is this government not proud of the Charter? It celebrates our military achievements — including spending \$30 million to celebrate the War of 1812 — but it could not bring itself to mark the thirtieth anniversary of the Charter. In sending our men and women to places like Afghanistan and Libya, is not one of our goals to introduce to those countries the rights and freedoms we cherish here at home? When we support our military, we do so in no small part because of the Canadian values those who serve so honourably protect.

Some Hon. Senators: Hear, hear!

Senator Cowan: At the centre of those values they defend is the Canadian Charter of Rights and Freedoms.

As I have said, I am very disappointed that the Harper government has decided that the thirtieth anniversary of this Charter is not worthy of a celebration, but I suspect the reason has as much to do with Mr. Harper's approach to governance as it has to do with any particular aspect of the Constitution itself.

I have described how the Charter was the product of extensive hearings and public debates where the Minister of Justice testified for more than 100 hours before a parliamentary committee and where hundreds upon hundreds of individuals and groups presented their views.

What has happened since then to the wide array of diverse public interest groups that, as Professor Weinrib described, functioned as the constituent assembly Canada had never had — that made the Charter the "people's package"? The Harper government has systematically worked to diminish their voices. Many have seen their public funding cut or eliminated — "defunded" in Harper-speak. This government was very clear that it would not support groups doing "advocacy" — women's and other groups were not to speak out and dare to argue with the government. Most recently, government members opposite have attacked charitable organizations that represent thousands of Canadians across the country. These organizations have been maligned as acting against Canadian interests, as being infiltrated by foreigners and indeed, to use Senator Duffy's phrase, of being "anti-Canadian."

We all remember how, as one of the first acts, the Harper government eliminated the Court Challenges Program of Canada back in 2006. This was done for ideological and not financial reasons. This was long before the global financial meltdown. The government then was still enjoying the healthy surplus it inherited from the previous Liberal government. There was no need, under the banner of austerity, to cut this program. This government just does not like to be challenged — not by Canadians, not by the opposition and certainly not with constitutional challenges in court.

The Court Challenges Program helped people whose constitutional rights were being violated but who could not afford to pay for lawyers to take their cases to court.

Senator LeBreton: You keep giving the same speech over and over again.

Senator Cowan: We have not heard your speech, Senator LeBreton. I look forward to that. It will be a challenge. You might listen and learn something.

It helped families with children with disabilities. It helped people who were deaf —

An Hon. Senator: Oh, oh.

Senator Cowan: If the Honourable Senator Duffy wishes to speak, he should sit in his seat.

It helped people who were deaf, who wanted the right to sign language interpretation in hospitals, and it was pivotal in defending the rights of Canadians to use either official language.

Earlier I mentioned the op-ed last week by Madam Louise Arbour. In that article she also wrote about the importance of the Court Challenges Program. In her words:

This was an admirable companion to the Charter. It expressed the government's faith and commitment to rights enforcement, by equipping litigants and civil-society organizations with the ability to access the courts. This, in turn, provided the courts with high-quality Charter litigation without which the remarkable early Charter jurisprudence might have taken much longer to develop.

I am proud that so many Canadian governments, Liberal and Progressive Conservative, had such commitment to our Constitution that they willingly funded challenges to their own legislation. These were governments that did not fear dissenting views from Canadians. Their overriding concern was that all Canadian laws comply fully with the Constitution.

The current government now takes a very different approach. Not only has it done away with the Court Challenges Program and cut funding to many groups that challenged government action, it openly seeks to circumvent the clear intent and words of the Constitution in its determination to impose its vision of a new Senate on Canadians. It has steadfastly refused to refer the question of the constitutionality of its proposals to the Supreme Court. I can only conclude it is because the government believes that those proposals would be found to be unconstitutional.

Honourable senators, if a government is prepared to amend the Constitution by circumventing the amending formula, what is to prevent it from deciding next to circumvent fundamental rights and freedoms in the Charter? It is precisely to guard against such actions by a government — by any government — that we have a Constitution and a Charter in the first place.

I will end by returning to the beginning, to the words of Prime Minister Trudeau spoken 30 years ago on April 17, 1982, at the proclamation ceremony for the Charter. He expressed his deepest hope that Canada “will match its new legal maturity with that degree of political maturity which will allow us all to make a total commitment to the Canadian ideal.” He said:

I speak of a Canada where men and women of aboriginal ancestry, of French and British heritage, of the diverse cultures of the world, demonstrate the will to share this land in peace, in justice, and with mutual respect. I speak of a Canada which is proud of, and strengthened by its essential bilingual destiny, a Canada whose people believe in sharing and in mutual support, and not in building regional barriers.

I speak of a country where every person is free to fulfill himself or herself to the utmost, unhindered by the arbitrary actions of governments. . . .

We now have a Charter which defines the kind of country in which we wish to live, and guarantees the basic rights and freedoms which each of us shall enjoy as a citizen of Canada.

It reinforces the protection offered to French-speaking Canadians outside Quebec, and to English-speaking Canadians in Quebec. It recognizes our multicultural character. It upholds the equality of women, and the rights of disabled persons.

I will conclude as Trudeau concluded:

For what we are celebrating today is not so much the completion of our task, but the renewal of our hope — not so much an ending, but a fresh beginning.

Let us celebrate the renewal and patriation of our Constitution; but let us put our faith, first and foremost, in the people of Canada who will breathe life into it.

Some Hon. Senators: Hear, hear.

The Hon. the Speaker *pro tempore*: Further debate?

[Translation]

Hon. Rose-Marie Losier-Cool: Honourable senators, it is with great pleasure that I participate today in the debate on the inquiry raised by my colleague and the Leader of the Opposition in the Senate, the honourable Senator Cowan. He has chosen to recognize the 30th anniversary of the Canadian Charter of Rights and Freedoms, one of the fundamental texts of our federal body of law. I would like to thank him and commend him on his eloquent and inspiring speech.

• (1720)

The Charter of Rights and Freedoms was enshrined in the new Constitution Act in 1982. This Charter guarantees that official language minorities in Canada have rights that we now all take for granted.

I would like to remind you in particular of the provisions of the Charter that deal specifically with my province, New Brunswick, and the minority that I represent in this House, the Acadians. These provisions mainly concern our country's official languages.

Subsection 16(2) of the Charter states that French and English are the official languages of my province and that they have equality of status as to their use in institutions of the legislature and government of New Brunswick. Therefore, this subsection, which is confirmed in subsection 20(2) of the Charter, gives Acadians anywhere in my province the right to be served in French by the Government of New Brunswick.

Section 16.1 of the Charter was added in 1993, after the 1990 Supreme Court ruling in the *Mahé* case, which dealt with the right of language minorities to be involved in the administration of their children's education. This new section repeats that the English and French linguistic communities in my province have

equality of status and equal rights and privileges. The Charter gives Acadia the right to its own distinct educational and cultural institutions needed for its preservation and promotion.

This new section 16.1 also gives the provincial government the constitutional mandate to protect and promote the status, rights and privileges of these two main linguistic communities in our province. This will give you a better understanding of Acadian protests in recent years against attempts by the two past provincial governments to undermine everything we have accomplished in terms of health boards, management of school districts and French education, especially in immersion.

The Charter also includes other provisions that affect my province in terms of official languages. For instance, subsection 17(2) grants all MLAs in New Brunswick the right to express themselves in the official language of their choice. Subsection 18(2) stipulates that all documents produced by the legislature of New Brunswick, including journals, must be published in both official languages, with both language versions being equally authoritative. Subsection 19(2) states that either English or French may be used by any person in, or in any pleading in or process issuing from, any court of New Brunswick. The defendants in the *Louis Mailloux* case would have loved to have had that right, I can assure you.

Honourable colleagues, if you recall my speech from January 31 on the evolution of French education in New Brunswick, you already know that our Acadia did not wait for the proclamation of the Charter before taking control of its own future.

However, there is absolutely no question that the Charter gave Acadians an enormous boost that has allowed us to consolidate our gains when it comes to speaking French. And as Senator Cowan so aptly put it, the Charter enshrined in our country's Constitution the notion of equal status for both official languages and for the two main language communities of our country — and of my province. That is why Acadia and New Brunswick owe a debt of gratitude to the Charter, and I wish to thank the visionaries who drafted it.

[English]

Hon. David P. Smith: Honourable senators, I rise to speak to the thirtieth anniversary of the Canadian Charter of Rights and Freedoms. It is not often in life we have the opportunity to do something that can have a real, positive effect on people's lives; it does not happen every day. The passage of the Charter was one of the most meaningful and moving events of my life. Here is the story.

In 1980, I was a relatively young MP, still in my thirties, and the United Nations had passed a motion that 1981 would be declared as the International Year of Disabled Persons. Prime Minister Trudeau said, "David, look, I want to have a special committee. I want you to review the situation in Canada and bring us a report, you know, within about a year, in early 1981."

I was the chair of the committee; there were seven members. There were four Liberal MPs, whom I just want to mention: Thérèse Killens from Montreal, Peter Lang from Kitchener, who was a medical doctor, and Ray Chénier from Timmins. There

were two Conservative members: One was Walter Dinsdale, who was one of the finest men I ever knew. He was a Salvation Army officer, and he had been in the air force in the Second World War. I know his wife, and he had a member of his family who was disabled. The other was Bruce Halliday, the MP for Oxford. He was a wonderful man; we were good friends. His wife, within six months of their being married, got polio — just about a year before they got the vaccine — and she spent her life in a bed on wheels.

We had people on this committee who understood the issues. I had an uncle I was very close to, Lennox Smith, who when he was a baby got polio, and he spent his life walking with a very stiff brace and a cane. On our committee there was not one ounce of partisanship. It is nice when that happens. I felt very strongly we had to get the message out as to what the challenges were for people who had disabilities in this country. I got some of the best script writers and photographers from top Toronto ad agencies to donate their time and we produced a report — some of you may have seen it — called *Obstacles*. It was about the obstacles that disabled people had. We picked 12 people across the country with different obstacles living in different areas, remote areas.

I do not know if we could have a little order.

These people had photographs taken, and I am just showing you some of them. This was a woman, Joan Green, from Saint John, New Brunswick, who had rheumatoid arthritis. She had to live in a bed all the time. Her body temperature was three or four degrees above average, and she always had a smile.

There were some others in there that I want to mention. Julius Hager was a paraplegic, an Aboriginal who lived in Pelly Crossing in the Yukon — a little wee place — in a wheelchair and he was 95 per cent disabled. Craig Ostopovich was totally deaf in his teens, but his accomplishments were astounding, and both his parents were deaf.

Melanie Wise was quite a case because we could only talk to her father. She was profoundly mentally retarded. At the time she was 21; she was also autistic and lived in a wheelchair, rolled up in a ball. She had never had any eye contact or speech contact with her father. She was also epileptic and had about 25 fits a day. Can you imagine? We talked to her father, who was gentleman.

This main report was 190 pages long. We had 130 recommendations, but it was full of photographs of these people. We had to do abbreviated versions that had all the photographs and the summary because high schools all over Canada wanted it. Nursing schools wanted it; community colleges that had health programs wanted it. We had to do 400,000 copies of this report. The Speaker at the time, Madam Sauvé, who was later Governor General — and we were quite good friends — called me in and gave me a bit of trouble. She said, "David, we cannot afford this stuff." I asked, "What is the problem?" She said, "Everyone wants it." I said, "You are complaining? At lot of parliamentary reports are cures for insomnia. Just keep them by the bed and, if you cannot sleep, start reading them." She backed down pretty quick. We also did a special report on native populations. We did a follow-up report a year and a half later and filled it full of photographs telling the story.

• (1730)

Why am I making this point, honourable senators? The point I am making is: We got this issue on people's radar screens. They were talking about it all over. We had gone to 23 different communities in Canada to hear witnesses. We divvied up. We went up to the North and to remote areas. We heard over 600 witnesses.

I lost track of my notes here. I was going to speak briefly about the other ones in the book, who I will briefly mention now. We had a blind fellow, Dennis Beaudry from Montreal; a quadriplegic, Bill Selkirk of Ottawa. Then there was Shaun McCormick from Halifax, who had become a paraplegic at 21; Barbara Goode from North Vancouver, who was mentally retarded and spoke frankly and candidly; Len Seaby from Edmonton, who had had artificial arms since he was four years old; Jennifer Myer from Lethbridge, who had multiple sclerosis; Serge LeBlanc from Chicoutimi, who had cerebral palsy; and Ian Parker from Toronto, who had a spinal cord injury from a car accident and was totally paralyzed.

Honourable senators, just a few months after this report came out, the first draft of the Charter came out. I was the Deputy House Leader and very involved in all this stuff. We had special caucus after special caucus on the Charter. Section 15(1) at that point read like this — and I am deleting some of the legalese to make it understandable — “every individual is equal before and under the law, without discrimination based on race, national or ethnic origin, colour, religion, sex or age.” It ended there.

We felt very strongly that it should include mental or physical disability. I got up in our caucus and started giving speeches that this was a question of integrity and a question of principle. It was about our values. I had given this speech several times and had been getting feedback through the grapevine because there were no bureaucrats at these caucus meetings, but they were talking to lawyers and justices. One said, “Does that mean every two-storey building in Canada has to have an elevator?” When I was asked that I said, “Well, if it is a federal government office building where disabled people have to get in, yes, but not houses. We have to assume that the judiciary will apply common sense to this. We have to do it.”

I had given this speech four or five times, and it still was not in. I was a little down. We used to have the meetings in the West Block. I was walking back to the Centre Block — and I will never forget this — when I felt an arm around my shoulder. It was Allan J. MacEachen, who was then Finance Minister and Deputy Prime Minister. He said, “David, you are right. Do not give up. This is a question of principle. Do not give up.”

Excuse me if I get a little emotional here, but two weeks later I got up again at another special caucus and I started into the same speech with a few variations. I will never, ever forget it. Pierre Trudeau stood up after about two minutes and said, “David, we do not have to listen to your speech again. We are putting it in.” I descended into a basket of tears, but they were tears of joy. I will never, ever forget that.

I do want to say — and I would like the leader to listen to this — that we got it through, but it was not really a Liberal thing. Walter Dinsdale and Bruce Halliday were among my best friends. Years later, I went to Bruce's funeral. When Walter died, I flew out to Brandon. I will never forget that because he was a Salvation Army officer. When they lowered the casket, the band was playing *O Boundless Salvation* and there was not a dry eye in the place. They helped do this. This was not a Liberal thing. This was a Canadian thing.

I want to pay tribute here. I feel very proud about what happened and I hope that everyone else in this house does, too. I want to mention some of the folks up there, in particular Barbara Reynolds and Sherri Torjman. They were there; they helped make it, too. That is how I feel about the Canadian Charter. When one reads it now, what does it say? It states: “without discrimination based on race, national or ethnic origin, colour, religion, sex, age or mental or physical disability.”

Hon. Senators: Hear, hear!

(On motion of Senator Andreychuk, debate adjourned.)

(The Senate adjourned until Wednesday, April 25, 2012, at 1:30 p.m.)

CONTENTS

Tuesday, April 24, 2012

	PAGE		PAGE
SENATORS' STATEMENTS			
Syria		Canada-France Interparliamentary Association	
Human Rights.		Meeting of the Standing Committee, March 15-16, 2012—	
Hon. Donald H. Oliver	1643	Report Tabled.	
		Hon. Claudette Tardif	1648
Visitors in the Gallery		Business of the Senate	
The Hon. the Speaker.	1643	Hon. Claudette Tardif	1648
		Hon. Gerald J. Comeau	1648
Royal Canadian Air Force		Prevention and Elimination of Mass Atrocities	
Hon. Joseph A. Day.	1643	Notice of Inquiry.	
		Hon. Roméo Antonius Dallaire.	1649
Future Laboratory in Quebec			
Hon. Josée Verner	1644	<hr/>	
Royal Canadian Air Force		QUESTION PERIOD	
Hon. Gerry St. Germain	1644	Fisheries and Oceans	
Armenian Genocide of 1915		Future of Commercial Fisheries.	
Hon. Maria Chaput	1645	Hon. Catherine S. Callbeck.	1649
Hon. A. Raynell Andreychuk	1645	Hon. Marjory LeBreton	1649
The Legacy of Metropolitan Andrei Sheptytsky		Health	
Hon. A. Raynell Andreychuk	1645	Food Labelling.	
Visitors in the Gallery		Hon. Robert W. Peterson	1649
The Hon. the Speaker.	1645	Hon. Marjory LeBreton	1649
The Late Rory Beck		International Cooperation	
Hon. Catherine S. Callbeck.	1646	Support for International Aid.	
Global Maternal and Child Health		Hon. Claudette Tardif	1650
Hon. Salma Ataullahjan	1646	Hon. Marjory LeBreton	1650
Journalists and Media Workers Lost in the Line of Duty		Actions of Minister.	
Hon. Joan Fraser.	1646	Hon. Jane Cordy	1650
2012 Ladies World Senior Curling Championships		Hon. Marjory LeBreton	1650
Congratulations to the Heidi Hanlon Team.		Public Safety	
Hon. John D. Wallace	1647	Closure of Prisons.	
Battle of Kapyong		Hon. Céline Hervieux-Payette	1651
Sixty-first Anniversary.		Hon. Marjory LeBreton	1651
Hon. Yonah Martin	1647	Hon. Joan Fraser	1652
<hr/>			
ROUTINE PROCEEDINGS			
Privy Council		Delayed Answers to Oral Questions	
Special Economic Measures (Syria) Regulations and Special		Hon. Gerald J. Comeau	1652
Economic Measures (Syria) Permit Authorization Tabled.		Status of Women	
Hon. Gerald J. Comeau	1648	Violence against Women.	
L'Assemblée parlementaire de la Francophonie		Question by Senator Jaffer.	
International Conference on Benchmarking and Self-Assessment		Hon. Gerald J. Comeau (Delayed Answer).	1652
for Democratic Parliaments, March 3-4, 2010—Report Tabled.		Official Languages	
Hon. Pierre De Bané	1648	Second-language Training for Public Servants.	
Meeting of the Parliamentary Network to Fight HIV/AIDS		Questions by Senator Chaput and Senator Comeau.	
and the Parliamentary Affairs Committee, March 27-31, 2010—		Hon. Gerald J. Comeau (Delayed Answer).	1653
Report Tabled.		<hr/>	
Hon. Pierre De Bané.	1648	ORDERS OF THE DAY	
Parliamentary Seminar on Democracy and Economic		First Nations Elections Bill (Bill S-6)	
Good Governance: The Role of Parliament,		Third Reading—Motion in Amendment Negated.	
November 10-11, 2010—Report Tabled		Hon. Dennis Glen Patterson	1653
Hon. Pierre De Bané	1648	Hon. Lillian Eva Dyck	1655
Meeting of the Parliamentary Affairs Committee,		Hon. Jim Munson	1656
April 5-6, 2011—Report Tabled.		Hon. Patrick Brazeau	1657
Hon. Pierre De Bané	1648	Industrial Alliance Pacific Insurance and Financial Services Inc.	
		(Bill S-1003)	
		Private Bill—Second Reading.	
		Hon. Dennis Dawson	1657
		Hon. Gerald J. Comeau	1658
		Hon. Joan Fraser	1658

	PAGE
Hon. Fernand Robichaud	1658
Hon. Claudette Tardif	1658
Referred to Committee	1659
Business of the Senate	
The Hon. the Speaker	1659
Human Rights in Iran	
Inquiry—Debate Continued.	
Hon. Joan Fraser	1659
The Senate	
Motion to Urge the Government to Modernize and Standardize the Laws that Regulate the Maple Syrup Industry— Debate Continued.	
Hon. Céline Hervieux-Payette	1660
Hon. Gerald J. Comeau	1660

	PAGE
Multiple Sclerosis and Chronic Cerebrospinal Venous Insufficiency	
Inquiry—Debate Continued.	
Hon. Jane Cordy	1661
The Senate	
Motion to Urge Government to Officially Apologize to the South Asian Community and to the Individuals Impacted in the Komagata Maru Incident—Debate Continued.	
Hon. Yonah Martin	1661
Hon. Art Eggleton	1662
Charter of Rights and Freedoms	
Inquiry—Debate Adjourned.	
Hon. James S. Cowan	1663
Hon. Rose-Marie Losier-Cool	1667
Hon. David P. Smith	1668



If undelivered, return COVER ONLY to:
Public Works and Government Services Canada
Publishing and Depository Services
Ottawa, Ontario K1A 0S5



D32



DEBATES OF THE SENATE

1st SESSION

•

41st PARLIAMENT

•

VOLUME 148

•

NUMBER 71

OFFICIAL REPORT
(HANSARD)

Wednesday, April 25, 2012

The Honourable NOËL A. KINSELLA
Speaker

CONTENTS

(Daily index of proceedings appears at back of this issue).

Debates Services: D'Arcy McPherson, National Press Building, Room 906, Tel. 613-995-5756
Publications Centre: David Reeves, National Press Building, Room 926, Tel. 613-947-0609

Published by the Senate
Available from PWGSC – Publishing and Depository Services, Ottawa, Ontario K1A 0S5.
Also available on the Internet: <http://www.parl.gc.ca>

THE SENATE

Wednesday, April 25, 2012

The Senate met at 1:30 p.m., the Speaker in the chair.

Prayers.

SENATORS' STATEMENTS

FIRST NATIONS ELECTIONS BILL

Hon. Patrick Brazeau: Honourable senators, I rise today in this chamber to try once again to clarify and put on the record in a proper forum what I intended to do yesterday.

Yesterday we voted to pass Bill S-6, an act to essentially increase the terms of office of band chiefs and councillors who conduct their elections under the Indian Act. First, I would like to congratulate the government for trying to tackle an issue that oftentimes has plagued Aboriginal peoples across this country. Having said that, had there been a standing vote yesterday, I would have abstained from voting for the following reasons: For far too long, I have worked to protect the rights and interests of grassroots Aboriginal peoples across this country, and the fact remains that this piece of legislation dealt only with those who conduct their elections under the Indian Act.

There are very seldom issues with respect to elections for First Nations who conduct their elections under the Indian Act. The problem comes where First Nations leaders and communities conduct their elections under customary rules, which oftentimes are not written. Chiefs and other leaders take advantage of their citizens, and for that reason I do not think Bill S-6 actually served the purpose or will change anything in the lives of grassroots Aboriginal peoples.

Based on that principle, I just wanted to put on the record that not only have I worked to protect the rights and interests of grassroots Aboriginal peoples in this country, but also I will continue to do so, and Bill S-6 is not the way to do that.

[Translation]

NATIONAL VICTIMS OF CRIME AWARENESS WEEK

Hon. Pierre-Hugues Boisvenu: Honourable senators, during this National Victims of Crime Awareness Week, I have the honour to acknowledge that on Friday in Sherbrooke, the government announced the creation of an income support benefit for families with children who disappear or are murdered. This benefit is for mothers and fathers who are unable to return to work after such an incident, because they have to take care of themselves and their families.

Allow me to go back to August 2005, when the Leader of the Official Opposition in the other place, the Honourable Stephen Harper, was on an official visit to Sherbrooke. I had the privilege

of talking to him in private. I told him about the association that I had just founded with three other fathers whose daughters disappeared or were murdered. I explained the painful time that families of individuals who disappear or are murdered have to go through without support. The Leader of the Opposition was an exceptionally good listener. The sensitivity he showed me was that of a good family man who has a great desire to take action. This one-on-one conversation gave me the opportunity to share a dozen or so of the association's expectations of the federal government. In that moment I knew that he would one day lead the first government to stand up for victims of crime.

Six years later, he is now the Prime Minister of Canada — whose government I have been part of for two years now — and he has granted the vast majority of the requests made by the victims of crime group. What is more, his has become the first government dedicated to defending victims' rights and making victims' rights more important than the rights of criminals.

Following last Friday's announcement by the Prime Minister and the Minister of Human Resources in Sherbrooke, I would like to say, "Mission accomplished." The government's announcement on April 20 truly recognizes the hard work and dedication of victims' families.

I would like to thank the Minister of Human Resources, Diane Finley, for her work and her sensitivity throughout our joint effort to prepare this initiative.

We fought not for our own families, but for families that will, sadly, have to cope with the devastating loss of a child. Our mission to support these families gains traction when a government like ours supports victims' groups by introducing meaningful measures.

This is National Victims of Crime Awareness Week. I would like to salute the many volunteers who work every day to help families coping with the most terrible ordeal imaginable: losing a child. These volunteers have undertaken the extremely important mission of helping mothers and fathers rebuild their lives after tragedy has made them feel as though their lives are over. Someone has to speak on behalf of those who can no longer speak for themselves. Those who do not speak out are forever condemned to victimhood.

I would also like to thank the Minister of Justice, Rob Nicholson, for his commitment to victims of crime. This week, I had two opportunities to join him to announce programs. He is exceptionally sensitive toward victims and very willing to listen to them.

The theme of this year's National Victims of Crime Awareness Week, "Moving Forward," is all about speaking up.

[English]

THE LATE RANDY STARKMAN

Hon. Nancy Greene Raine: Honourable senators, it is with sadness that I rise today to pay tribute to award-winning journalist Randy Starkman, who died in Toronto last Monday. He had been suffering from a sore throat, and by the time he went to the hospital, strep throat, pneumonia and then a superbug overcame him. He was only 51 years old and looking forward to covering his thirteenth Olympic games this summer.

• (1340)

No one understood or covered amateur sport in English Canada the way Randy did, with objectivity, fairness and a true appreciation of the complexities of the many sports he covered. His writing showed us the character and personalities of the athletes and coaches in a way that made us appreciate what they were up against and what drives them to compete at the top international level. You only need to read what athletes say to understand his dedication and how much he was loved. Honourable senators, here is what a few of our Olympic athletes have said recently in the news and online:

Speed skater and cyclist Clara Hughes said:

Randy was more than a reporter. To me and so many others, he was a friend. A person who truly cared for us, for sport, for right and for wrong. More than anything, Randy cared about sharing. Sharing the stories and the insights into the often ignored sporting fields we practiced and played in.

Speed skater Kristina Groves said:

The thing about Randy is that he didn't just file the facts. He didn't rely on web searches for information and he never asked basic, superficial questions. He took the time to get to know every single athlete and developed a relationship with them far beyond the call of duty. What made him tick was finding out what made us tick. He told my story and the story of so many athletes in Canada. He wasn't just there to get a one-line quote and meet a deadline. He was there to give us a voice and highlight the real and human story behind the faces and the names. I've never met another journalist who cared like he did.

Kayaker Adam van Koeverden said:

Randy wrote about sport in earnest, with dedication and integrity. But Randy didn't just write about amateur sport, he genuinely loved it. He was a steadfast devotee. He loved us, and we loved him right back. He was our fan, our colleague and our friend.

Swimmer Julia Wilkinson said:

This is a loss to not just the Canadian swimming community, but to all sports, and to our entire country. In a media world where journalists sometimes like to blur the facts and turn their backs on athletes when we fail, Randy

stood alone. I always trusted that Randy would present me as me: not as the athlete he decided I was. He never misquoted me, never made me look bad, and never, ever got his facts wrong. Most importantly, he genuinely cared about the athletes. That's why he was so good at his job.

Fencer Sherraine Schalm said:

He knew we trained like professionals and he treated us that way, making regular inquiries into our progress, how we felt and what our goals were . . . More than once in 4 years.

To his wife, Mary, and his daughter, Ella, our thoughts and prayers are with you during this difficult time. May you be comforted by knowing how much Randy was loved and respected by everyone in the amateur sports world. Randy Starkman was a great man. He will be sorely missed.

MULTICULTURALISM AND RELIGION

Hon. Nicole Eaton: Honourable senators, last week I had the honour to participate in a Ditchley Foundation conference. The conference brought together 40 experts from different professions representing 14 countries. Ditchley Foundation conferences stress open, informal discussions that reflect personal thinking and take place under strict rules of confidentiality.

The overall aim of this conference was to look at ways in which domestic issues around multiculturalism and religion inform and influence the development of foreign policy in different countries around the world. We examined what multiculturalism means today, how religion is used in motivating or justifying certain policies, and what role both of them play in foreign policy. We studied examples from across different regions and different political traditions.

Honourable senators, the experiences of countries represented around the table were enlightening. It became clear to me very quickly that Canada has thus far avoided the kind of huge ethnic conclaves or parallel communities that exist in some European countries. In Canada, multiculturalism versus melting pot is not a new argument. It has been going on for more than a century. Let us not forget what Sir Wilfrid Laurier said in 1907:

Any man who says he is a Canadian, but something else also, isn't a Canadian at all.

We have room for but one flag, the Canadian flag . . .

And we have room for but one sole loyalty and that is a loyalty to the Canadian people.

The federal government, under Prime Minister Pierre Trudeau, declared in 1971 that Canada would adopt a multicultural policy. The debate has rarely let up since. In Quebec, for example, "reasonable accommodation" has been the topic of heated discussion and study since 2007. When the Harper government took power, the then Immigration Minister Monte Solberg believed that Canada should not be in the business of cultural

preservation. Jason Kenney became Minister of Immigration and Citizenship in 2008. He too was for less multiculturalism and more melting pot.

Mr. Kenney set out to tighten the definition of what it means to be a Canadian. He felt that immigrants should do more to conform to Canadian standards. Mr. Kenney moved quickly to introduce a more comprehensive study guide for Canadian citizenship and implemented a new citizenship test. These changes were undertaken to ensure that new citizens could demonstrate a thorough knowledge of Canada's history, symbols, institutions and values, and a thorough understanding of the fundamental concepts of meaningful citizenship.

I am proud of the changes that Canada has made to prevent some of the serious societal issues that we heard about at the conference. Our policies have thus far discouraged isolation of new immigrants and maintenance of ancient animosities. To paraphrase the words of Premier Jean Charest, immigration to Canada is a privilege, and welcoming immigrants is a responsibility of all Canadians. Between the two, you have to know where to draw the line.

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw attention to the presence in the gallery of honourees, recipients, sponsors and board members of the 2012 Black Business and Professional Association's Harry Jerome Awards.

On behalf of all honourable senators, welcome to the Senate of Canada.

HARRY JEROME AWARDS

Hon. Don Meredith: Honourable senators, I rise to bring attention to a momentous occasion within the African-Canadian community. This year, the Black Business and Professional Association, a charitable organization that serves to address equity and opportunity for the Black community in business, employment, education and economic development, is celebrating the thirtieth anniversary of the BBPA Harry Jerome Awards. While this annual gala has become one of the most important events for Black people in Canada, this milestone would not be possible without the hard work of countless community leaders, professionals and volunteers over the past 30 years.

The Harry Jerome Awards were conceived in late 1982 when the BBPA chose to honour Black Canadian athletes who excelled in the Commonwealth Games that year. Harry Jerome, Canada's finest track and field athlete of the 1960s, was suggested as the keynote speaker. Regrettably, he died suddenly before he could be invited. The BBPA then decided to turn the celebration into a tribute to Harry Jerome and an awards ceremony to honour the six athletes.

It is very fitting that the annual gala would be named in his honour. Born in Prince Albert, Saskatchewan, and raised in North Vancouver, Henry Winston Jerome embodied excellence as an athlete and Olympian. He represented Canada in the 1960, 1964

and 1968 summer Olympics, winning bronze in the 100 metres in 1964 — the year that I was born. He also won gold at the 1966 Commonwealth Games and at the 1967 Pan Am Games, setting seven world records throughout his career. All of these achievements came after doctors thought he would never walk again following a severe injury. In celebration of his athletic and scholarly achievements and his work as a social advocate, Harry Jerome was granted Canada's second highest honour for merit, Officer of the Order of Canada, in 1970.

The Harry Jerome Awards is now a national event that recognizes and honours excellence in African-Canadian achievement in a variety of fields including academics, arts, media, entertainment, athletics, business, community service, health sciences, leadership, professional excellence, entrepreneurship and technology and innovation. The theme of this year's ceremony is "Legacy drives impact," as we remember the legacy of Harry Jerome, who overcame racism, injury and media scrutiny, leading him to embrace his personal motto, "Never give up." This year's gala is especially important to me as the BBPA has awarded me the inaugural Harry Jerome Youth Advocacy Award. I am very humbled by this honour as I never sought public recognition for the work I have done with youth. My primary objective has always been to make a difference in the lives of our youth, allowing them to be the best they can be.

• (1350)

Honourable senators, I want to thank the BBPA for bestowing this newly created award on me, giving me the motivation to continue serving young people, and developing a sponsorship program that will bring 500 youth to the gala event this Saturday. I look forward to meeting these budding leaders and helping to ensure that they leave the event engaged, encouraged and empowered through the legacy of Harry Jerome.

I want to publicly honour my fellow award recipients and the 2012 BBPA Distinguished Men of Honour for the contributions they have made to our country, as well as the award sponsors who have helped to make the Harry Jerome Awards possible.

Finally, I would like to congratulate the Black Business and Professional Association on the thirtieth anniversary of the Harry Jerome Awards. In celebration of this important milestone, I have invited the 2012 BBPA Harry Jerome Award recipients, the 2012 BBPA Distinguished Men of Honour and members of the BBPA executive to Parliament Hill today to be recognized in this place.

Honourable senators, please join me in applauding the 2012 award recipients, the 2012 BBPA Distinguished Men of Honour and the Black Business and Professional Association, under the leadership of Ms. Pauline Christian, on their thirtieth anniversary.

[Translation]

ROUTINE PROCEEDINGS

PROHIBITING CLUSTER MUNITIONS BILL

FIRST READING

Hon. Gerald J. Comeau (Acting Deputy Leader of the Government) presented Bill S-10, an Act to implement the Convention on Cluster Munitions.

(Bill read first time.)

The Hon. the Speaker: Honourable senators, when shall this bill be read the second time?

(On motion of Senator Comeau, bill placed on the Orders of the Day for second reading two days hence.)

[English]

CANADIAN NATO PARLIAMENTARY ASSOCIATION

SPRING SESSION, MAY 27-30, 2011—REPORT TABLED

Hon. Jane Cordy: Honourable senators, I have the honour to table, in both official languages, the report of the Canadian parliamentary delegation of the Canadian NATO Parliamentary Association respecting its participation at the Spring Session, held in Varna, Bulgaria, from May 27 to 30, 2011.

CANADA-CHINA LEGISLATIVE ASSOCIATION CANADA-JAPAN INTER-PARLIAMENTARY GROUP

ANNUAL MEETING OF THE ASIA-PACIFIC
PARLIAMENTARY FORUM,
JANUARY 8-12, 2012—REVISED REPORT TABLED

Hon. Donald Neil Plett: Honourable senators, I have the honour to table, in both official languages, a revised report of the Canadian parliamentary delegation of the Canada-China Legislative Association respecting its participation at the Twentieth Annual Meeting of the Asia-Pacific Parliamentary Forum, held in Tokyo, Japan, from January 8 to 12, 2012.

CANADIAN NATO PARLIAMENTARY ASSOCIATION

VISIT OF THE MEDITERRANEAN SPECIAL GROUP,
THE JOINT MEETING OF THE UKRAINE-NATO
INTERPARLIAMENTARY COUNCIL,
THE SUB-COMMITTEE ON NATO PARTNERSHIPS
AND THE SUB-COMMITTEE ON DEMOCRATIC
GOVERNANCE AND THE VISIT OF
THE SUB-COMMITTEE ON TRANSATLANTIC DEFENCE
AND SECURITY CO-OPERATION,
JULY 4-7, 2011—REPORT TABLED

Hon. A. Raynell Andreychuk: Honourable senators, I have the honour to table, in both official languages, the report of the Canadian parliamentary delegation of the Canadian NATO

Parliamentary Association to the Visit of the Mediterranean Special Group, the Joint meeting of the Ukraine-NATO Interparliamentary Council, the Sub-Committee on NATO Partnerships and the Sub-committee on Democratic Governance and the Visit of the Sub-Committee on Transatlantic Defence and Security Co-operation, held in La Maddalena, Italy, from July 4 to 5, 2011; Kyiv, Ukraine, from July 5 to 7, 2011; and Rome, Italy, from July 6 to 7, 2011.

[Translation]

QUESTION PERIOD

CITIZENSHIP AND IMMIGRATION

PROVINCIAL NOMINATION PROGRAM

Hon. Maria Chaput: Honourable senators, my question is for the Leader of the Government in the Senate and concerns the federal government's decision to assume full responsibility for managing the Provincial Nomination Program, known as the PNP, in the area of immigration.

Under an agreement with the federal government, Manitoba manages its own program. The Government of Manitoba has always done and continues to do a good job of managing the program, even earning praise from Jason Kenney, the Minister of Immigration. When this unilateral decision was announced, Mr. Kenney said that Manitoba should explain why it is special and different from the other provinces.

I would like to suggest an answer: seven per cent of the 70,000 skilled immigrants who have settled in Manitoba since 1999 are francophones. The Government of Manitoba has worked very closely with Manitoba's francophone community to recruit, welcome and integrate francophone immigrants, in order to ensure that the francophone community also reaps the benefits of immigration.

This initiative to foster francophone immigration to Manitoba comes directly from our provincial government. Last week, several community stakeholders in Manitoba told me that they do not understand why the federal government cannot simply accept and respect the excellent work that is being done on immigration to Manitoba, especially in the area of recruiting and welcoming francophone immigrants.

My questions for the Leader of the Government are as follows: the agreement between the federal government and Manitoba was signed after both sides agreed that the province would have a better understanding of its real needs and the needs of immigrants. What has changed since that time? Why was this decision made? How can the government reassure Franco-Manitobans that a program managed entirely by the federal government will maintain the provincial initiative to foster francophone immigration?

[English]

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, Minister Kenney and the government are committed to building a fast and flexible economic immigration system that focuses on the people with the skills and experiences required. I realize that different provinces have different needs. There is a bill before this Parliament and all parliamentarians will have an opportunity to fully understand the background and the reasoning behind it.

With respect to the francophone component of immigrants going to Manitoba, I will take that particular question as notice. I am quite sure that somewhere Minister Kenney has particularly addressed this issue. I know he has dealt with all of the provinces and territories. Therefore, I will take that specific part of Senator Chaput's question as notice.

[Translation]

Senator Chaput: The Commissioner of Official Languages lauds Manitoba as an example when it comes to recruiting and integrating francophone immigrants. Manitoba — and not one of the seven provinces under federal management — is lauded as an example because Manitoba is doing something right that the other provinces are not.

The government is saying that all immigrants should have services of equal quality, regardless of the province in which they decide to settle. Is this a commitment on the part of the federal government to not only maintain the level of service in Manitoba, but also extend it to the other provinces? What services will be maintained by the federal government? Will the initiatives targeting francophone immigration be maintained? Could the leader obtain those answers?

[English]

Senator LeBreton: I believe all honourable senators will acknowledge that the immigration system was severely broken. It was necessary to change the act. There is a bill before Parliament.

With specific reference to Manitoba's linguistic requirements, as I indicated a moment ago, I will take that question as notice and I thank the Honourable Senator Chaput.

• (1400)

HEALTH

FOOD LABELLING

Hon. Robert W. Peterson: Honourable senators, my question is for the Leader of the Government in the Senate. Yesterday, I asked the leader why this government is putting the safety of Canadians at risk by ending food labelling regulations. She answered that they have taken "rigorous steps" and have "vastly improved the safety of Canadians." I have an article from Postmedia News, April 20, 2012, that directly contradicts her claim.

This article cites internal government tests done by the Canadian Food Inspection Agency that show that some of the country's biggest food brands in some cases drastically understated the levels of harmful nutrients while grossly

overstating the levels of healthy nutrients. Of over 600 products tested, more than half did not live up to the nutritional information on the packaging. Some were even off by as much as 90 per cent. In one case, a product stated that it contained 30 per cent of one's daily iron serving, when in reality it was found to contain only 2.7 per cent. In another case, a product claimed to contain 5 calories per portion but actually contained 106 calories per portion.

Consumers already wonder whether they can rely on the nutritional information on food labels for their safety, and it is a service her government wants to cut further. I ask again, will the Leader of the Government finally acknowledge that cutting funding for food labelling regulations is a danger to Canadian families and a shameful way to save a few bucks?

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, the senator got the first part of his question right when he quoted me accurately as saying that we have vastly improved the system and increased food safety. As honourable senators know, I do not generally respond to articles in the newspaper when I am not sure about the sources of the articles. It is a Postmedia article, but who contributed to the story? As is often the case with many of these newspaper articles, the stories are crafted with a particular interest in mind.

All I can say is that we, working with industry, have vastly improved the labelling and content of food sold in Canada. We have increased the number of meat inspectors in our meat processing industry.

I must confess, honourable senators, that one must pay a little attention to the labels and watch closely. The other day, I ate a little container of yogurt, happily thinking I had consumed 60 calories. I suddenly realized that that was for a third of a cup. I had actually consumed 180 calories. One has to watch the labelling, but it is actually honest.

PUBLIC SAFETY

CLOSURE OF PRISONS

Hon. Joan Fraser: Honourable senators, yesterday I was asking the leader about the government's announced intention to close the Regional Treatment Centre in Kingston Penitentiary. Regional treatment centres, as I am sure the leader knows because she participated in the Social Affairs Committee's study on mental health, are Correctional Service facilities for the treatment of serious mental illness. This is not low-level stuff. Seriously ill people go there. There are only five of these centres in the whole country, and the government says it will close one of them, the only one in all of Ontario that contains, as far as I can do the math, 20 per cent of all the patients being treated in those regional treatment centres.

I ask again, where will the government put these people?

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, I think I indicated yesterday that the closure of Kingston Penitentiary, the centre that my honourable friend refers to in the Kingston Penitentiary, and the Leclerc facility is a two-year plan. The Correctional Service of Canada does have a plan and will relocate the prisoners according to their level of incarceration, maximum to maximum and medium to medium.

With regard to the patients in the mental health institution at Kingston Penitentiary, the Correctional Service will likewise, as they roll out the plan in due course, advise us as to how they will transfer these individuals and where they will be transferring them.

As I pointed out yesterday, honourable senators, we, as a government, will continue to take concrete steps on the issue of mental health in prisons. It was our government that provided additional resources, such as requiring a mental health assessment for all inmates within the first 90 days of their sentence. Prior to that, many of these prisoners would languish in prison for many months before an assessment was even done. Access to treatment for inmates and the training of staff to treat these patients have been vastly improved under our government.

Senator Fraser: Vast improvement, like beauty, may lie in the eye of the beholder. For example, thanks to the Correctional Investigator, among other things, we know that they have been firing psychologists within the Correctional Service. They have significantly downgraded the qualifications of staff who provide ordinary programming, some of which is for quite important stuff like substance abuse. They have eliminated low-intensity sex offender programming all across the Correctional Service. That is before even talking about the treatment centres for the important people. I do not know how one can call that vast improvement.

As far as the situation of serious psychiatric patients is concerned, the alarm has been sounded repeatedly for years now. Between 1997 and 2010, there was an 85 per cent increase in the number of offenders classified as having a mental health disorder at intake. In 2010, which is already two years ago, the House of Commons Standing Committee on Public Safety and National Security reported that the aim of the regional treatment centres, or RTCs, is to stabilize individuals with serious mental health problems so that they can return to the general inmate population. However, the report states::

... that some offenders are released too soon from RTCs and very quickly find themselves in crisis once again in the regular correctional institutions. The situation is attributable in part to insufficient space to accommodate all federal inmates with serious mental health problems. This reportedly contributes to a revolving-door syndrome, and a tendency towards crisis management rather than prevention.

I find it odd that the government alleges that it is going to limit or, with any luck, end the revolving-door syndrome in our prisons.

I ask again, how can the government announce that it will close this facility without having a plan in place to treat these seriously ill people? What is the government going to do?

Senator LeBreton: First, honourable senators, as is often the case, testimony is recited and the source of the testimony is not revealed. Again, thanks to the program we brought in, when prisoners are incarcerated, they are assessed within 90 days of their incarceration, unlike in the past.

I can speak directly about the Province of Ontario. Another problem is that it has closed many of these institutions and turned people out on to the streets, which has compounded the problem.

Honourable senators, I think it is unfair to suggest that the Government of Canada would make this decision, which will take place over two years, without having a plan. There is a plan. This will be announced in due course. We did say it was over two years.

• (1410)

With regard to the treatment of prisoners who have mental health issues, of course there is another important component and that is the provinces and territories. The federal government and our provincial counterparts are working on this. It is a serious issue, there is no denying it.

I think, honourable senators, it would be a little irresponsible to suggest that we would make a major decision, such as closing these two penitentiaries, and not have a plan as to how we will implement the transfer of these patients and prisoners over the next two years.

Senator Fraser: Honourable senators, if the leader does not want to take the word of a House of Commons committee, maybe she will take the word of the Correctional Investigator. He has been sounding the alarm in this area for at least eight years now to no effect.

The government, incidentally, has not responded to the House of Commons committee report any more than it has to the suggestions that have come from our own Senate committee.

For years and years, we have heard that the government is engaged in discussions and conversations with its provincial partners. For years and years, knowledgeable people who have studied the matter have been suggesting that the federal correctional service should indeed engage in partnerships with provincial institutions in order to provide more effective — medically, but also perhaps more effective financially — treatment for mentally ill patients.

We have been hearing that, honourable senators, for years and nothing has happened. First the leader said, “We will have a plan when the correctional service gives us a plan.” Now she says, “Of course we have a plan, but we are not going to tell you about it yet.”

When will we get the plan and what will it be? This is a very serious issue. This is not just about common or garden-variety bad guys; these are people who are seriously ill and deserve better.

Senator LeBreton: Honourable senators, first, there was the announcement of the closure of these two institutions. The Minister of Public Safety and the officials at the Correctional Service of Canada would not have given the go-ahead on announcing the closure of these two institutions without having given it very clear thought. This will be presented in due course.

Obviously, there is a very serious issue with mental illness in our prison population. The government has taken many steps, including providing more resources and training more people to deal with the situation, as well as doing a proper assessment within 90 days of incarceration.

The whole issue of mental illness of people who participate in crimes is a serious one. The government must and does work with the provinces and territories.

Insofar as the government's response, I did acknowledge yesterday, I believe, that the government is looking seriously at the testimony and comments before the Senate committee on Bill C-10. In all fairness, honourable senators should give the government at least a little bit of time to respond to some of these issues, and that is what the government intends to do.

Hon. James S. Cowan (Leader of the Opposition): Honourable senators, on that point, I would urge the leader to talk to her colleagues who were on the committee dealing with Bill C-10 and to read the testimony. I suggest she will find that they have inadequate resources to deal with the prisoners who are assessed as having mental difficulties. They also have great difficulty in recruiting professional personnel to provide the treatment which is required.

I am not suggesting this is a political problem, but that there is a real issue here of the capacity of the Correctional Service to secure the resources. I am not talking about the financial resources, although that is part of it, but the professional human resources needed to provide the treatment. Those of us who were on the committee were troubled by the testimony that we heard.

I would urge the leader to consult with her colleagues on the committee, read the testimony and urge upon her colleagues in cabinet the need to revisit the issue about whether continuing on with the same approach is really a satisfactory answer to what is going to be, by all accounts, an ever-increasing problem facing our correctional and health care systems.

Senator LeBreton: Honourable senators, I agree totally with Senator Cowan, and I do not have to talk to my colleagues. My colleagues have taken it upon themselves to make their views and the views of the members of the committee very well known, not only to me but also to other members of the government. I can assure honourable senators that we do realize the magnitude of the problem. We take these comments, suggestions and recommendations very seriously.

I believe, in very short order, the government will respond. Again, I want to assure honourable senators that my colleagues on this side of the chamber who are on the committee have been very vocal and vociferous in advancing some of these concerns. Of course, as honourable senators know, even though I cannot read all the transcripts of all the committees, I have people who take it upon themselves to inform me of the activities of the committees. In this case, of course, my colleagues, Senator Wallace and others, have been very vigorous in their efforts to shine a light on this very serious situation.

Hon. Terry M. Mercer: Honourable senators, this is a very serious matter, and I know the leader understands that, knowing her background and involvement on the Standing Senate Committee on Social Affairs, Science and Technology. People out there are nervous when they hear that facilities like this are closing.

Just last week in Halifax, very tragically, an individual on a one-hour pass from such a facility was alleged to have brutally murdered a leading member of Halifax's gay community. This is fairly raw and people are nervous. I am sure the people of Kingston and the area are nervous when they find that there are plans to do that at the same time as the government is talking about cuts.

As Senator Fraser said, show the Canadian people, not us, that there is a plan and show that there is a human resources plan to find the personnel who will properly manage this file. It is extremely important. People are nervous. It is the government's job, and our job as parliamentarians to reassure them that they are as safe as possible and that these people are also being treated as professionally and fairly as possible and given the proper care they need.

Senator LeBreton: I thank the senator for the question. I am aware of the tragic case he spoke of. He is quite right, and this is why the government brought in the measures in Bill C-10.

People are very concerned about crime in this country. They are very concerned about people being released into the public who can cause grave danger to our population. Our government is committed to the safety of Canadians.

It is interesting. I am glad that people are now seized of this issue and realize we must keep these people incarcerated to keep the public safe. A few months ago we were being criticized for building prisons to keep more people incarcerated. One cannot have it both ways.

However, I can tell honourable senators that every dollar we spend will be wisely spent and the primary objective of the government is the safety of Canadians.

Hon. Jane Cordy: Honourable senators, I have a supplementary question for the Leader of the Government in the Senate. This particular incident that Senator Mercer was speaking about involved a prisoner who had a serious mental illness. The issue is not being tough on crime or soft on crime; it is being smart on crime. Let us talk about being smart for those who have serious mental illness and who are incarcerated. That is the direction. I do not want to put words in Senator Mercer's mouth for sure, but this is the issue.

• (1420)

What are we going to do? There is a shortage of personnel dealing with prisoners who have a mental illness. There is a serious shortage across the country. There is in Nova Scotia as well as every province of Canada.

Senator Cowan spoke about the recruitment issue. There is also a retention issue. It is like the Catch-22. People are hired, they get into the system and they realize they have no support around them, so they leave to get into a situation where they feel they can better help individuals. This is a very, very serious situation — recruitment, retention, a lack of professionals in the prison system who are able to deal with prisoners with serious mental illnesses.

The leader spoke and said, "Obviously the government has a plan." As someone who served on the Social Affairs Committee with Senator LeBreton when we studied mental health and mental illness, I would feel much better if the government would share the plan that the leader says the government obviously has. What will the government do with the patients who have mental illnesses and who are incarcerated in the prisons that will be closed?

Senator LeBreton: Thank you for the question. I am aware of the situation. In this case the senator talked about the mental condition of a particular individual, and obviously no individual who has a potential of causing serious harm to the Canadian public should be released into the general population.

The government has put more resources into this area. Obviously there is a lot more to be done. When a decision is made to close these two institutions, it would be very nice if we could lay out the plan, but there is a lot of work to be done. There is work to be done with the families and with the individuals themselves; there is work to be done with the facilities they will be moved to.

Let us not jump to conclusions. Let us let Corrections Canada, who are ultimately the ones responsible for the implementation of these moves, do their work. The fact of the matter is we do realize the seriousness of issues in our prisons, especially with regard to mental health. I already indicated yesterday and again today that my colleagues on the committee who dealt with the issues around Bill C-10 have brought to the attention of the government personally and in caucus and on many occasions some of the concerns that were raised by the witnesses. They have made some excellent suggestions as to how we might move forward to address how we might deal with these issues, and I am confident that we will do so.

[Translation]

Hon. Jean-Claude Rivest: Honourable senators, I must admit that it is difficult to follow the government's policy on crime.

On one hand, the government is increasing the number of sentences and sending more people to prison. On the other hand, the government is closing prisons. We are always being told that the government supports rehabilitation, but recently, we learned that the government unilaterally and without warning abolished a very effective program called LifeLine, which allowed prisoners to help rehabilitate criminals who committed extremely serious crimes.

A large number of people have spoken out against this unilateral cut that risks sending the public the message that the government has no interest whatsoever in the rehabilitation of prisoners and criminals.

[English]

Senator LeBreton: I refute that claim all together, honourable senators. First of all, we are talking about dangerous criminals, and in many cases the government had difficulty with dangerous criminals being released, so there has not been this predicted vast number of new criminals. Usually we are talking about the same person that has been in and out of prison three or four times, but

with regard to rehabilitation, significant efforts have been put into rehabilitation. There is this idea that somehow or other this government incarcerates people and does nothing to try and deal with their serious mental health issues, but obviously the resources the government has put into it have proven otherwise.

I have outlined in this place many times the significant resources put into rehabilitation, and I would be very happy, honourable senators, to once again provide information about this. A lot of great success stories have come out of the rehabilitation efforts of our officials working in our various prisons.

ORDERS OF THE DAY

SAFE DRINKING WATER FOR FIRST NATIONS BILL

SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator Patterson, seconded by the Honourable Senator Mockler, for the second reading of Bill S-8, An Act respecting the safety of drinking water on First Nation lands.

Hon. Lillian Eva Dyck: Honourable senators, I rise today to speak to Bill S-8, the Safe Drinking Water for First Nations Bill. As the honourable sponsor of the bill stated in his speech, this bill enables the federal government to develop regulations governing drinking water, water quality and waste water disposal on First Nation reserves.

Honourable senators already know of the dire situation on many reserves with respect to drinking water. The images are heartbreaking, and they urge us all to act to rectify this terrible situation. This is not the first bill this government has tabled in Parliament that tries to address the problem of safe drinking water on reserves. In the last Parliament, the government introduced Bill S-11 under the same short title, the Safe Drinking Water for First Nations Bill.

I would like to remind the chamber of key aspects of the Standing Senate Committee on Aboriginal Peoples' study of the precursor bill, Bill S-11. Bill S-11 was introduced on May 26, 2010, and was referred to the Standing Senate Committee on Aboriginal Peoples for study on December 14, 2010. The committee heard from over 15 witnesses in 9 meetings. What became readily apparent during witness testimony was widespread concern over the bill in three key areas: one, the lack of funding and resources to address the infrastructure and capacity gap; two, several clauses that infringed upon constitutionally protected Aboriginal rights; and three, the lack of consultation. I will address these main areas of concern in detail later in my speech.

Many First Nation witnesses urged the committee to halt or withdraw Bill S-11 until the government had sufficiently consulted with First Nations. Due to the overwhelming

opposition to Bill S-11, the legislation did not proceed to committee vote or to third reading but was halted in order to allow for further discussions with Aboriginal Affairs and Northern Development Canada officials and First Nations. Bill S-11 then died on the Order Paper when Parliament was dissolved on March 26, 2011.

Since then, the National Assessment of First Nations Water and Wastewater Systems has also been completed and reported back to Parliament. This assessment is the first full-scale overview of water and waste water systems on First Nation reserves. Clearly the results of this inventory ought to be presented to the committee as soon as possible.

I want to highlight what occurred in the last session of Parliament so that we can truly determine whether the government has significantly improved upon Bill S-11 in a real and meaningful way and not merely just by adding half measures.

The first area of concern is the continued lack of funding and resources in Bill S-8 to address on-reserve water systems. There is no funding attached to Bill S-8. As the national assessment has clearly indicated, the funding requirement to upgrade on-reserve water and waste water systems is \$4.7 billion over 10 years, plus a projected operating and maintenance budget of \$419 million annually. In Budget 2012, the government renewed the First Nations Water and Wastewater Action Plan, with approximately \$330 million over two years.

• (1430)

While I commend the government for renewing this funding, it is nowhere near the amount projected by the national assessment.

Honourable senators, if we want to eliminate those heartbreaking images of First Nations children carrying slop buckets and having to walk miles for water, the Government of Canada has to be realistic in estimating the funding requirements and commit to multi-year funding agreements that match, dollar for dollar, the real needs of First Nations.

Honourable senators, this chamber, the Senate of Canada, knows the importance of solving the problem of safe drinking water on reserves. Our Aboriginal Peoples Committee released a report on this very issue in 2007. Our recommendations were clear: first, complete a full assessment of water and waste water systems on reserves, and second, provide the full funding requirements to address the identified resource needs. Sadly, the government has accomplished only one of the two recommendations.

The second area of concern with the bill is the infringement on constitutionally protected Aboriginal and treaty rights. In Bill S-11, there were several clauses that infringed upon Aboriginal rights. The most abhorrent of the clauses was a derogation clause that contemplated that regulations be allowed to derogate from section 35 rights. This clause has now been replaced with a limited non-derogation clause in clause 3 of Bill S-8. I say "limited" because the clause actually sets qualifiers to the limits of section 35 rights. It states:

For greater certainty, nothing in this Act or the regulations is to be construed so as to abrogate or derogate from any existing Aboriginal or treaty rights of

the Aboriginal peoples of Canada under section 35 of the *Constitution Act, 1982*, except to the extent necessary to ensure the safety of drinking water of First Nation lands.

As you can see, the Aboriginal rights are not to abrogate or derogate, except to the extent necessary to ensure the safety of drinking water on First Nation lands.

I contrast this approach to non-derogation clauses to the work done by the Standing Senate Committee on Legal and Constitutional Affairs in their report entitled *Taking Section 35 Rights Seriously: Non-derogation Clauses relating to Aboriginal and treaty rights*. In that report, the recommendation was to introduce legislation to add a non-derogation provision to the federal Interpretation Act that read:

Every enactment shall be construed as to uphold existing Aboriginal treaty rights recognized and affirmed under section 35 of the *Constitution Act, 1982*, and not to abrogate or derogate from them.

The government, however, did not follow up on that recommendation. I congratulate my honourable colleague Senator Watt, who introduced his bill to achieve the recommendation of the Standing Senate Committee on Legal and Constitutional Affairs. However, as of now, no such amendment to the Interpretation Act exists, and I encourage honourable senators to consider amending clause 3 to a non-derogation clause that was widely agreed upon in the Legal and Constitutional Affairs report by legal experts and First Nation representatives, as well as at the Bill S-11 committee hearings.

In addition, during witness testimony on Bill S-11, First Nation and other witnesses urged the committee to amend the bill to stipulate that regulations would only be developed with the consent of the affected First Nations. The regulation provisions in Bill S-11 allowed for the act to override First Nation laws and bylaws, allowed the incorporation by reference of provincial laws and allowed the act to override any treaty agreements that may be in conflict with the act.

With these infringements on Aboriginal rights of self-governance, consent should be required. However, these provisions have carried over to Bill S-8, without incorporating a formal way of getting the consent of First Nations. Instead, the government has only added a perambulatory clause that states they have "committed to working with First Nations to develop proposals for regulations."

Honourable senators, while a commitment to working with First Nations is encouraging, a concrete operative clause that allows the First Nation to consent to regulations would better exemplify a truly government-to-government relationship in the development of water and waste water regulations.

The third area of concern I will address is the duty of the Crown to consult and accommodate First Nations.

During the committee's study of Bill S-11, almost every First Nation witness made it clear that the federal government did not adequately consult and accommodate First Nations in the

drafting of Bill S-11. While the Department of Aboriginal Affairs and Northern Development did hold engagement sessions and impact assessments, we were told these were not nearly sufficient enough to fulfill the government's obligations to consult and accommodate First Nations.

The summary report of the Institute On Governance, the organization contracted to conduct the engagement sessions, lays out the problem with this approach to consultation. It noted that the Crown failed to engage in any meaningful consultation, breached its duty to consult and accommodate First Nations by making a unilateral decision to proceed with the engagement sessions and impact assessments solely on incorporation by reference, did not genuinely listen to concerns, failed to provide adequate time and resources to enable meaningful consultations, and was unwilling to engage in discussion of any inherent treaty and Aboriginal rights-related issues to proposed changes.

After Bill S-11 was withdrawn from the committee last spring, in about March 2011, members of the committee were told that the department was actively, collaboratively discussing amendments to the bill with First Nation organizations. Committee members may recall that at a committee meeting for the first time ever we passed a motion. We took a vote, and we asked the leader of the National Assembly of First Nations to reappear at the committee, after the minister and the department had already appeared as witnesses. That occurred on March 9, 2011.

National Chief Atleo came back. We thought there would be collaborative reworking of the bill. Shortly thereafter, there was prorogation of Parliament. However, at the same time, the Bruce Carson affair surfaced and there were indications that he was associated with a company called Water Pros, which has some links with Indian and Northern Affairs, and that again has resurfaced within the last month. There are some strange goings-on within the department with respect to water filtration. That is the context within which we received the bill.

The department has stated that since May 2010 it has been meeting with the Assembly of First Nations and regional representatives and that most of the changes in Bill S-8, compared to Bill S-11, were a result of negotiations from October 2010 to October 2011 with First Nation organizations from Alberta, the Atlantic and various AFN groups.

I am encouraged that these discussions continued after the dissolution of the last Parliament. However, we still do need to examine the type of discussions that occurred before Bill S-8 was tabled in the Senate.

Honourable senators, during the committee study of Bill S-8, we need to hear from a wide range of First Nation witnesses to garner their perspective on the government's consultations on Bill S-8. Was it a meaningful consultation, or did it fall into the problems highlighted in the Bill S-11 engagement sessions? Were First Nations equal partners in drafting Bill S-8? How can we improve the consultation and engagement process during the development of regulations so that true and honest consultations and accommodations are met? We need to carefully consider all of these questions.

• (1440)

As this bill moves to committee stage, I urge all honourable senators to remember to look at the issues from the past study of Bill S-11 and examine whether Bill S-8 has lived up to a collaborative approach to dealing with water and waste-water systems on-reserve.

I would like to end my remarks by highlighting the spiritual importance of water in First Nations culture, as AFN National Chief Shawn Atleo eloquently stated at the recent AFN Water Rights Conference:

We collectively and intrinsically know that water is directly linked to all survival.

Water, the first living spirit on this earth, gave life to all Creation.

The Hon. the Speaker *pro tempore*: Further debate? Are honourable senators ready for the question?

Hon. Senators: Question.

The Hon. the Speaker *pro tempore*: Is it your pleasure, honourable senators, to adopt the motion?

(Motion agreed to and bill read second time.)

REFERRED TO COMMITTEE

The Hon. the Speaker *pro tempore*: Honourable senators, when shall this bill be read the third time?

(On motion of Senator Patterson, bill referred to the Standing Senate Committee on Aboriginal Peoples.)

FISHERIES AND OCEANS

BUDGET AND AUTHORIZATION TO ENGAGE SERVICES AND TRAVEL—STUDY ON LOBSTER FISHERY IN ATLANTIC CANADA AND QUEBEC—SIXTH REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the sixth report of the Standing Senate Committee on Fisheries and Oceans, (budget—study on Canada's the lobster fishery in Atlantic Canada and Quebec—power to hire staff and to travel), presented in the Senate on April 4, 2012.

Hon. Elizabeth Hubley moved the adoption of the report.

She said: Honourable senators, I move the adoption of the report standing in the name of Senator Manning. Before the Speaker puts the question to the chamber, I would like to provide some brief information regarding the motion that is before honourable senators.

The committee agreed to undertake a study of the lobster fishery in Atlantic Canada and Quebec. An order of reference was received from the Senate on March 8 to study the matter. The study could include the lobster fishery industry, revenue, markets,

employment and its stakeholders, financial sustainability, price, intermediaries, rationalization programs and ecological sustainability, and barriers to entry.

The committee is requesting funds to hold public hearings and conduct fact-finding missions to formally gather evidence and to visit lobster fishery facilities, to view lobster fishery infrastructure and to meet informally with fishers and stakeholders in New Brunswick, Nova Scotia and Prince Edward Island.

The Hon. the Speaker: Are honourable senators ready for the question?

Hon. Senators: Question.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

(Motion agreed to and report adopted.)

RULES, PROCEDURES AND THE RIGHTS OF PARLIAMENT

FIRST REPORT OF COMMITTEE— SPEAKER'S RULING—ORDER STANDS

On the Order:

Resuming debate on the motion of the Honourable Senator Smith P.C. (*Cobourg*), seconded by the Honourable Senator Cordy, for the adoption of the first report of the Standing Committee on Rules, Procedures and the Rights of Parliament (*Revised Rules of the Senate*), presented in the Senate on November 16, 2011.

The Hon. the Speaker: Honourable senators, on March 27, 2012, the Senate resumed debate on the motion for the adoption of the First Report of the Standing Committee on Rules, Procedures and the Rights of Parliament, presented to the Senate on November 16, 2011. That report recommended that the *Rules of the Senate* be replaced with revised rules. The Honourable Senator Cools raised a point of order and Senators Carignan and Fraser provided further comments for the consideration of the chair.

The Honourable Senator Cools reminds us that the recommended rule changes “are the single largest, in quantum and volume, amount of rule changes ever put before this house.” Given this fact, I am grateful that the honourable senator has taken the time to study the procedural admissibility of the report. If it is procedurally defective, we should know now; if the objections fail, we will know that the report is procedurally solid.

[*Translation*]

In the judgment of Senator Cools, “These proposed rule changes are simply too numerous, too comprehensive and too complex for consideration in one proceeding, in one shot.” This is a normative comment on the senator’s part; the question for the chair is whether the point of order raised has identified a procedural objection to prevent consideration of the report. Three objections were offered.

[Senator Hubley]

The first objection is that the committee has exceeded its mandate as provided for in the Rules. The second objection is that the committee’s report imposes closure on Senate debate by ordering a date for the coming into force of the rules. The third and last objection is that the recommended rule changes are not in the report itself but in an appendix, which the senator characterizes as a separate document alien to the report.

[*English*]

I will deal with these three objections in their reverse order.

Senator Cool’s characterizes the third objection as “the most important, profound and far-reaching breach.” In the words of the senator:

Simply put, we cannot debate the proposed rule changes because they are not part of or included in the report that the motion asks us to adopt. [Debates, p. 1495]

This report, by its form of proceeding, has placed the substantive matter, the actual proposed rule changes, beyond the procedural ability of senators to consider, debate, amend and vote on the actual words, paragraph by paragraph, of the rule changes. It is therefore out of order. [Debates, p. 1495]

The appendix, by its nature, is not part of the report. [Debates, p. 1501]

[*Translation*]

It is the chair’s opinion that if there is an objection to using appendices to reports in order to amend our internal governance documents, the committee could be forgiven for not being aware.

[*English*]

On March 31, 2004, the Standing Committee on Internal Economy, Budgets and Administration tabled its Sixth Report on the *Senate Administrative Rules*. Appendix “A” to the document set out a draft amendment to the *Rules of the Senate*, the adoption of which would be consequential to the adoption of the *Senate Administrative Rules*. The report was adopted on May 6, 2004 and the amendment to the *Rules of the Senate* was implemented.

Just recently, on March 29, 2012, the Standing Committee of Conflict of Interest for Senators presented its Third Report recommending amendments to the Conflict of Interest Code for Senators. That report attached a revised copy of the Code as an appendix to the report and recommended that the revised Code come into force on October 1, 2012.

Of course, the recent use of appendices is not conclusive as to whether the practice is procedurally acceptable. To put this in familiar terms, just because it has happened doesn’t mean it is right.

• (1450)

[Translation]

It seems to the chair that the relationship of an appendix to a main text is not fixed, but is a question of substance and of intention. Context and purpose inform the reader as to whether appendices are integral to a report or alien to it.

As Senator Cools pointed out to us, when members' observations are appended to a committee report below the chair's signature, the text is not considered to form part of the report in a procedural sense. On the other hand, presenting rule changes in the context in which they will serve, that is to say, inserted into the full body of rules, can assist the reader in appreciating their import. This is particularly so when the revised rules are presented with a table of concordance as is the case here. In the end, how best to present rule changes depends upon their nature and the circumstances and is a matter of judgment best exercised by the reporting body.

[English]

Finally, does the presence of the proposed rule changes in the appendix prevent debate on them or prevent motions to amend them? In debate on this point of order, an issue arose as to whether the appendix to the committee's report was even properly placed before the Senate for its consideration. The *Journals of the Senate* are the official record of the House. At page 407 of the Journals for November 16, 2011, it is recorded that the report of the committee presented to the Senate is printed as an appendix to the Journals at pages 412-615. Those pages include both the text of the report over the signature of the chair and the appendix containing the revised rules. The chair is therefore satisfied that the proposed revised rules are on the table, known to senators and available for debate and amendment.

[Translation]

The senator's second objection is that the committee, by recommending September 1, 2012, as the coming into force date for the new *Rules of the Senate*, has as a practical matter imposed closure on debate in the chamber. The logic of the argument is that if the new Rules are to come into force by September 1, they surely must be adopted before then. The chair does not agree. As a matter of procedure, debate on the motion to adopt the committee's report can proceed until it is adopted, until the motion falls off the Order Paper for lack of debate or until the end of the session. If debate continues past September 1, the Senate will then consider the impact on the motion of that change in circumstance, and what needs to be done about it. An amendment to the report could certainly be moved.

[English]

The chair will now address the senator's first, and what would appear to be the most important, objection, which is that the Rules, Procedures and the Rights of Parliament Committee has exceeded its mandate. The relevant portion of that mandate is set out in rule 86(1)(d)(i) of the Senate Rules, in their latest version as posted on our web site. It provides that the committee is empowered, on its own initiative, to propose from time to time amendments to the Rules for consideration by the Senate. As the

senator notes, rule 86 is delegated authority and the committee, in carrying out its functions, must not exceed the authority delegated to it.

The senator seems to allow that a single report may recommend more than one rule change, but argues that a total repeal is not an amendment and that no amendment can negate the whole of that which it amends.

There is no question that this report touches on the core of the Senate's privileges. The right to organize its own internal affairs is a fundamental privilege. The *Rules of the Senate* have a history of precedents based on practice and rulings that enrich them with a considered understanding. Moreover, many of these rules are an historical legacy passed on to the Senate in various forms from the pre-Confederation Legislative Councils of Lower Canada and the Province of Canada. They are part of our parliamentary history and legislative patrimony handed down to us through generations of past members of our chamber.

[Translation]

The question to be resolved is whether or not the delegated authority under Rule 86 is sufficient to cover the enormity of what is proposed. Other reports from the Rules Committee have altered multiple rules or added new ones. However, never before has the Senate been asked to contemplate a report that recommends the entire repeal of our existing Rules in order to substitute new rules as a package. Indeed, in the words of the First Report, the Rules Committee recommends, in part that "[T]he existing *Rules of the Senate* be replaced . . ."

[English]

It may be useful to review what the intentions of the committee were in presenting its First Report. The committee states "The major objective of the revision was to clarify the Rules, while avoiding significant changes in content. In a few cases changes were required in the interest of clarity or to reflect current practice."

The committee also notes that "A new feature of the revised Rules is the use of constitutional and statutory references as well as lists of exceptions to any particular rule. For example, the deliberative vote of the Speaker is sanctioned by section 36 of the *Constitution Act, 1867* and this is referenced immediately after the rule. The general rule with respect to speaking times, proposed rule 6-3(1), is followed by a list of rules that stipulate any exceptions."

[Translation]

The report before us then is quite sweeping in both content and in form. The committee maintains there is no significant change to the substance of the rules but that may only be determined through the course of time. There are as well new practices being codified, such as the time limit for the various bells which summon senators to recorded votes. There is a complete reordering and renumbering of the rules. Many explanatory notes have been added. There is also a new appendix regarding parliamentary terminology, including terms and definitions not previously sanctioned by the Senate. Many senators may be

surprised by the extent of these proposed changes and what impact there may be on the procedural case law which has been established over many years from our existing rules. They may wonder if the report is much more than a house-keeping re-write of the Rules and whether it is too far-reaching and has exceeded the committee's authority.

[English]

Honourable senators, one is mindful of the rights of senators to organize the business of the Senate, as well as the importance of not limiting the authority delegated to our committees under the Rules. By delegating to the Rules Committee a degree of autonomy to propose amendments to the Rules, we are, in effect, entrusting to them a custodial management function to ensure specific issues are clarified for the benefit of their colleagues. The chair is also mindful of the rights of senators to have a say in more comprehensive changes to how Senate business is conducted. While there is no question that senators are being asked to approve these proposed rules before they can come into force, it may well be that, for some, this is a step too late in the process.

[Translation]

In the case before us, a motion requesting a mandate to repeal the *Rules of the Senate* and replace them would have avoided placing senators in an awkward situation. They are faced with a profound change to the way in which they are to codify how they govern the business of the Senate. On the other hand, there is the consideration of their Senate colleagues and the Senate staff, whose hard work and personal commitment to undertaking this review must also be recognized. Such a motion would also have been consistent with the interpretation of the authority delegated to the committee as being a custodial responsibility.

• (1500)

In this instance, where the *Rules of the Senate* are not being amended but repealed and replaced with new language and new elements, such as 30 minute bells for non-debatable motions, the chair is concerned that the Rules Committee may have exceeded the mandate provided under Rule 86.

[English]

The finding is that there could be a procedural issue involved here. The chair is reluctant, however, to set aside the excellent work of the Rules Committee based on an arguable procedural point. The suggestion is that the matter could be resolved by having the First Report of the Rules Committee referred to a Committee of the Whole. The consideration of matters in Committee of the Whole is more flexible and appropriate to fully explore and debate these proposals that are before us than the restrictive nature of the formal debate in the Senate itself. This suggestion would serve the dual purpose of providing all honourable senators with an opportunity to clarify the purposes and principles behind the work of the report and express themselves on it before being asked to decide on the work itself. At the same time, it would prevent us from losing the significant body of work performed by our colleagues on the Rules Committee.

[The Hon. the Speaker]

So, to be clear, the chair is making a strong recommendation that the matter be referred to a Committee of the Whole. If this recommendation is not acted upon, the matter remains on the Order Paper.

Hon. Gerald J. Comeau (Acting Deputy Leader of the Government): Honourable senators, allow me first to thank the Speaker for the very judicious and strong suggestions in his ruling. There is no question that when dealing with the *Rules of the Senate* we must go the extra mile. Let no one doubt that Senator Cools always has been and continues to be a vigilant guardian of the rules of this chamber, and we should congratulate her for the vigilance that she always puts to our rules and the training that she provides to a great number of us as to where these rules came from. I, for one, appreciate the very great advice she has given me over time on such matters.

We have to accept that we get this right. For us and for future senators who will be serving in this chamber let us ensure that we do get it right. I agree with the Speaker that there has been a huge amount of work done on this subject and we should not in any way lose the work that has been done.

For that reason and many others, I wish to recommend to this chamber that we follow the Speaker's strong recommendation and suggestion. In the spirit of that suggestion, I propose that I meet with my counterpart on the other side and that we discuss the issue of proposing a motion to refer the matter to Committee of the Whole and that we would get back to this chamber with the wording of that motion, the timing and the means by which we could accomplish the strong recommendations of the Speaker.

With that in mind, therefore, I will be meeting with my counterpart and we will get back to this chamber in short order.

Hon. Claudette Tardif (Deputy Leader of the Opposition): Honourable senators, we were certainly eagerly awaiting Your Honour's ruling on this matter. I know that the committee has put in an enormous amount of time and is anxious to move on to the next step. We accept Your Honour's ruling, and, certainly, I will look forward to working with my colleague in seeing how Your Honour's recommendation may be implemented.

Senator Comeau: Therefore, I recommend that the matter stand for the time being.

(Order stands.)

BUSINESS OF THE SENATE

Hon. Gerald J. Comeau (Acting Deputy Leader of the Government): Honourable senators, while I am on my feet there have been discussions with the other side. I apologize to Senator Cools, who does not sit with the other group, but I will ask her if she would agree that we call Item No. 39 from the Notice Paper, on support for the visually impaired, so that we might hear from the Honourable Senator Seth, who has her maiden speech, I understand, to give on this subject. I seek unanimous consent.

Hon. Senators: Agreed.

ISSUE OF SUPPORT FOR THE VISUALLY IMPAIRED

INQUIRY—DEBATE ADJOURNED

Leave having been given to proceed to Inquiries, Order No. 39:

Hon. Asha Seth rose pursuant to notice of April 4, 2012:

That she will call the attention of the Senate to the issue of support for the visually impaired.

She said: Honourable senators, thank you very much for such a grand welcome. Standing before you today in this chamber, I address you for the first time. I am deeply honoured. This great honour is unique not simply because I am in the company of some of the most distinguished luminaries of our great nation, but because only a few are privileged to experience this honour.

This chamber is sacred. This chamber is home to the conception of new ideas. This chamber is an august venue for thought and leadership, not only for the welfare of the nation but also for the world. This chamber nurtures great instincts for seeing national plans mature successfully. Here we identify areas of resource mobilization and embrace the challenge to convert hope into reality. Here we set aside partisan politics, prove that democracy is a process, not a prescription, and come together as a people.

Our great nation of Canada that we leave behind for our children will be largely shaped by the progressive visions and dynamic personalities of a few, and with leaders like you at the helm, this environment is ideal for vigorous growth and rapid development in every sphere possible.

I have often wondered: What constitutes greatness? No doubt it is service. When it comes to extending service to my beloved nation, what better podium could I have ever thought of and wished for?

As a little girl in India who never hesitated to dream, who became a doctor who practised for more than three decades, and to now serve in the Senate of our great nation, indeed, my journey has been long and eventful.

Years ago, when I took the Hippocratic oath, I thought it would be the most important promise I would honour for the rest of my life. Little did I know then that this day would come. Little did I know that I would be standing with you, upholding an oath to serve the citizens of a great country.

Honourable senators, Canadians are regarded all over the world as fair, as peacekeepers, as kind, as welcoming, as strong and as leaders. Therefore, to serve in the Senate of such a formidable force in the world is not a job; it is a higher calling.

First and foremost, I thank our Prime Minister, the Right Honourable Stephen Harper, for placing me in this venerable chamber to serve the Canadian people. Prime Minister, the Right Honourable Stephen Harper is the leader of one of the most powerful countries in the world, but we often forget to celebrate his passion for charitable ventures. Our Prime Minister is the kind of leader who not only takes us forward in the world, but also embraces the afflicted with open arms.

I thank our farsighted Minister of Citizenship, Immigration and Multiculturalism, the Honourable Jason Kenney, whose belief in my dedication to the nation is a great source of support.

I take this opportunity to thank my great supporters in the Senate: the Honourable Consiglio Di Nino; the Leader of the Government in the Senate, the Honourable Marjory LeBreton; the Speaker of the Senate, the Honourable Noël A. Kinsella; the Conservative whip in the Senate, the Honourable Elizabeth Marshall; the chair of caucus, the Honourable Rose-May Poirier; the Honourable Vim Kochhar; and all the super efficient staff in the Senate.

I thank all honourable senators for your very kind welcome.

• (1510)

My journey could be so enriching only because I had the privilege of meeting many wonderful human beings along the way. First and most important is my husband, Dr. Arun Seth. A dedicated physician, he is my pillar of strength who is always urging me to go out and help others. My daughters are Dr. Anila Seth Sharma, an endocrinologist, and Angie (Seth) Stanjevich, an award-winning journalist. They are all very busy professionals, but are always supporting my charitable endeavours with all their resources.

From the time I was five years old I began to nurse a whim. I wanted to be a doctor. It was considered wishful thinking, but when I was chosen from 15,000 applicants to attend a prestigious medical college in India, I realized anything was possible. Medical school was like a place of worship. I persevered and success came. I was fortunate enough to win the first prize for a paper on latent tuberculosis in Indian women. At that time, the Sino-Indian border conflict was raging. The despair of the wounded upset me beyond words, and I organized a blood donation clinic for the Indian Army. It was a great success.

After medical school in India, I moved to the United Kingdom. I was accepted at Belfast University Hospital, the University of London Hospital and the Queen Charlotte Hospital, one of the most prestigious hospitals for obstetrics and gynecology in the world. Since 1976, I have been a member of the staff at St. Joseph's Health Centre in Toronto. I also began to operate my private practice in obstetrics and gynecology. It seems just like yesterday, but time has flown, and for over three decades now I have delivered thousands of babies and served countless families. The little dreamer was also conferred the Council Award by the College of Physicians and Surgeons of Ontario. It is a great recognition of a skill and scholarship through which my peers call me an ideal physician.

Some years ago, I lost my beloved sister to cancer. It devastated me. I felt completely lost as a doctor because I could do nothing to help her. My sister inspired me all her life, and one day, as I was sitting beside her, she held my hand and asked me to promise not to cry when she was gone. She told me to be kind whenever possible. It is always possible.

It has been several years now, but the pain of losing her makes me move ahead, embrace new challenges and strive to do my best to make lives around me better, and I know that with every little gesture I am carrying her wish forward.

Charitable deeds always were and will be close to my heart, and the Canadian National Institute for the Blind, or CNIB as it is popularly known, features foremost among them. In the next two decades the number of Canadians with serious loss of vision is expected to double, taking the count to more than 1.5 million people.

Bearing the crisis in mind, I hope to raise awareness for the requirement of a national vision health plan for Canada. Canadians with disabilities often cannot participate fully in our society due to lack of access to information or services. It is imperative that our nation take advantage of the skills and ingenuity of all of our citizens.

CNIB is nearly a 100-year-old institution. The hours, the minutes put in by CNIB professionals and volunteers are not just numbers; they help so many men and women and children to become independent and participate in all spheres of life. We have the glaring example, Amanda Potvin, right here, right now with us today. Honourable senators, I would like to introduce Amanda Potvin.

Hon. Senators: Hear, hear!

Senator Seth: It was the year 2002. This beautiful child was born and right away was diagnosed with a genetic eye disease. Doctors told her parents, Sherri and James Potvin, that their little angel would never see our magnificent world, the world where her parents lived and laughed, the world where she, too, was meant to live and laugh. Every parent wishes for a better future for their children than their own, and to find that their precious newborn would not be able to avail herself of a full range of opportunities was devastating for Sherri and James.

Can you stand, Mrs. Sherri Potvin and Mr. James Potvin?

Hon. Senators: Hear, hear.

Senator Seth: It was the desperation of a lifetime, but for Sherri and James Potvin, it was a call to action. When Amanda was only four months old, Sherri and James contacted CNIB, and a condition that could ultimately claim all the privileges of little Amanda's life failed to draw her into an abyss. Amanda began to receive CNIB's Early Intervention Program services. CNIB staff came to her home to work with her. They lent her support not just to learn and grow but also to excel.

Later she received orientation and mobility training at CNIB and learned how to walk safely with a white cane. She also received a low vision assessment where CNIB experts offered tips for maximizing sight and instruction in the use of helpful devices that may enhance sight.

Today she has 20/200 vision with some remaining sight in her left eye, and she is a member of the CNIB Library. When Amanda grows up, she wants to be a doctor or teacher. It shows how far we have travelled. The absence of an organization like CNIB in Amanda's life could have sealed her fate, but CNIB's drive — along with the tenacity of the Potvin family to see Amanda succeed — would be directly responsible for her success as an individual.

[Senator Seth]

Thanks to CNIB, Amanda will navigate her way through her world when she is an adult and her parents are not around to guide her every step of the way.

My deep appreciation goes to the courageous Potvin family, who found the strength to share their story with us today. Thank you.

Hon. Senators: Hear, hear.

Senator Seth: Clearly, no single institution can effectively combat the huge issue of blindness alone. A unified and national effort is urgently needed to address blindness. What we need is a firm resolve and a clear commitment to tackle this problem, and so I will continue to champion CNIB. Our eyes can become theirs, and together we can do it.

• (1520)

Now, as a senator, I have been handed a new sceptre, and I rejoice at this great opportunity to work with you and to serve my great nation and its people. In the end, one is not judged by how one lives one's life but the people one changes along the way.

Honourable senators, I thank you for your attention.

Hon. Senators: Hear, hear!

(On motion of Senator Di Nino, debate adjourned.)

DISTINGUISHED VISITOR IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of our former colleague, the Honourable Vim Kochhar.

On behalf of all honourable senators, I welcome you back to the Senate of Canada.

Hon. Senators: Hear, hear!

[Translation]

CHARTER OF RIGHTS AND FREEDOMS

INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Cowan calling the attention of the Senate to the 30th Anniversary of the *Canadian Charter of Rights and Freedoms*, which has done so much to build pride in our country and our national identity.

Hon. Claudette Tardif (Deputy Leader of the Opposition): Honourable senators, today is an important opportunity for me to speak about Senator Cowan's inquiry to mark the 30th anniversary of the Canadian Charter of Rights and Freedoms, and at the same time, recognize the important role

that the Charter has played in Canadian society over the past 30 years. I would like to thank our honourable colleague for this excellent initiative.

I would like to speak briefly about the essence of this document and its place in the hearts of Canadians, as well as address in greater detail the impact that section 23 has on official language minority communities.

As others have so eloquently pointed out, since 1982, the Charter has played an important role in defining the fundamental values of our country. The Charter reflects the challenges of a modern, multicultural society and our country's linguistic duality. The Charter draws its strength from a universal understanding of human rights while emphasizing rights that are particularly relevant to Canadian history, including language rights.

[English]

The Canadian Charter of Rights and Freedoms has been nothing short of monumental for disadvantaged and marginalized groups. These groups may not necessarily have the ear of cabinet ministers or others at the centre of political power who must often seek to please the majority, but the Charter helps ensure that their rights are recognized and protected.

Over the last 30 years, the Charter has played an essential role in defining the character of our nation — a prosperous, just and enlightened society, one that welcomes newcomers and new ideas with enthusiasm. With the Charter in hand, Canadian judges have laid down decisions on issues ranging from abortion to Aboriginal land claims, same-sex marriage to safe injection sites.

For example, section 2 of the Charter addresses freedom of expression, and there has been some truly lasting jurisprudence in this area, including the limits to free speech. A key example can be found in the 1990 Supreme Court ruling that found an Alberta teacher who taught anti-Semitic propaganda to his students could not claim to be exercising his right to freedom of expression. This section also has allowed members of the media some important successes in advocating responsible journalism.

A particularly high-profile area of the Canadian Charter of Rights and Freedoms is section 15, the equality guarantee. One of the most important cases to make use of section 15 originates in my province, once again, of Alberta. In 1998, the Supreme Court of Canada invoked the equality rights set out in section 15 in order to strike down provincial legislation that would have allowed discrimination based on sexual orientation. In 1999, the high-profile case *M. v. H.* saw Canada take its first explicit steps towards legal recognition of same-sex marriage because section 15 of the Charter confirms that a law cannot define a "spouse" as a person of the opposite sex.

[Translation]

I would also like to point out some of the constitutional guarantees set out in the Charter with regard to language, which reflect ongoing and renewed efforts to recognize the principle of the equality of the two official languages. Section 16 of the Charter is the first in a series of sections that guarantee two official languages in Canada and ensure that language rights are protected in many public institutions. Section 16

expands on the language rights already set out in the Constitution Act, 1867, including by allowing bilingualism in the federal public service. This was not completely new since Canada's Official Languages Act introduced this principle at the federal level in 1969. However, those laws were merely statutes, whereas section 16 of the Charter transformed a number of their key aspects into constitutional principles.

[English]

Any reflection on the impact of the Canadian Charter of Rights and Freedoms would certainly be incomplete without acknowledging section 25, which addresses Aboriginal rights. Canada's often marginalized Aboriginal peoples have been well served by the Charter. One of the defining Charter cases for Aboriginal rights, *R. v. Sparrow*, set in motion a critical element of jurisprudence for future relations between Aboriginal peoples and the Crown. The case developed a test for determining whether Aboriginal peoples' rights have been infringed under any of the provisions of the Charter of Rights and Freedoms. The so-called Sparrow test has been used since its inception by many experts as a way of measuring the extent to which Canadian legislation can limit Aboriginal rights.

[Translation]

Honourable senators, few of you will be surprised to learn that I was personally involved in fighting for the linguistic rights of francophone minority communities and for the right of the Franco-Albertan minority to education in its own language and control of its own educational institutions. That is why I think that any discussion on the impact of the Charter would be incomplete without underscoring the role section 23 has played. That section gives official language minority communities the constitutional right to be educated in their mother tongue and to manage their own schools when the number of students so warrants.

The section has been generously interpreted by the Supreme Court of Canada. The 1990 ruling in *Mahé* specifies the remedial nature of section 23, which seeks to curb the problem of assimilation and promote a dual vision of Canada. The court adopted the sliding scale approach to assess section 23 claims, stating that the numbers standard "will have to be worked out by examining the particular facts of each situation which comes before the courts." The court decided that in assessing the number, consideration had to be given not only to the number of eligible parents under section 23 who want to have access to a program or a school, but also to the number of students who might eventually use those services.

Thirty years ago, this recognition opened a dialogue on official language minority education systems in Canada, a dialogue between members of civil society and various levels of government, which quickly moved into the courts.

• (1530)

This dialogue would probably never have happened in Alberta and elsewhere in Canada without the Charter. Section 23 was a critical tool for francophones in minority communities because it recognized their existence and legitimized their demands in the area of education.

The Charter has been a major force behind the evolution of language rights and remains an essential tool for progress toward equality between Canada's two official languages. More specifically, section 23 is the reason that most of the French-language schools in official language minority communities across Canada exist.

It is no accident that education has been and remains a key issue for Canada's Francophonie. School is critical to the survival of language and culture. Schools are gathering places and serve to transmit knowledge that is indispensable to linguistic continuity, and they are even more important when a language is in the minority. Given the importance of education, section 23 is a positive right with a remedial nature that was clearly not enacted in the abstract. It must be interpreted in Canada's historical context, specifically in the context of the struggle of francophones in minority communities to create education systems that meet their needs.

Section 23 is therefore not the kind of provision typically found in the charters and declarations of other states or international organizations.

In his March 15, 1990, ruling, Chief Justice Dickson of the Supreme Court of Canada stated:

The purpose of section 23 of the Charter is to maintain French-language culture and reduce assimilation. Section 23 is also designed to correct, on a national scale, the progressive erosion of minority official language groups and to give effect to the concept of the "equal partnership" of the two official language groups in the context of education.

The legal victories under section 23 made it possible to remedy certain shortcomings in the political process and allowed francophone minority communities, which have less electoral weight, to move forward with their demands. This is particularly true for my community, the francophone community in Alberta.

Before the Charter, there were no publicly funded French-language schools. As I pointed out recently in this chamber, despite the province's deep francophone roots and the strong presence of the Franco-Albertan community, in the past, the Province of Alberta first prohibited and then strictly limited French-language instruction in the province's schools. These decisions led to high rates of assimilation among Franco-Albertans but also sparked numerous efforts by this community to fight for access to and control over French-language educational institutions.

However, it was only after 1982 that it was possible to think about creating publicly funded French-language schools in Alberta. The entrenchment of the Charter in the Constitution gave legitimacy and legal weight to Franco-Albertan parents' demands, which eventually made it possible to change political decisions that were considered to be unfair.

As Serge Roussel, a law professor at the Université de Moncton, said recently:

The inclusion of a person's right to education in his or her own language in the country's Constitution did not come about automatically. . . . Over the past 30 years, the courts

have often had to remind our elected officials of their constitutional obligations. . . .

Several examples of this come to mind, and they show that legal action is the only recourse available in the face of government inaction and the stubbornness sometimes demonstrated by certain elected officials.

Honourable senators, as I am sure many of you know, it was the legal action taken by three citizens of Edmonton in 1983 that ultimately forced the hand of the Alberta government. These people argued that the provincial government was depriving them of their legitimate right to manage and run a French language school under section 23 of the Charter. This case marked the beginning of a long process that ended in the Supreme Court in 1990. As I mentioned earlier, in March 1990, the Supreme Court of Canada ruled in the *Mahé* case that the purpose of section 23 was to preserve and promote the language and culture of official language minorities. More specifically, it confirmed the right of the minority to manage its own schools independently and with public funds.

Following the *Mahé* decision, school management was finally obtained in 1994 with the creation of French-language school boards, 12 years after the Charter's enactment. Important policies on student transport and access to increased funding, for instance, have been implemented since that time in order to promote the development of the Franco-Albertan community.

In other provinces, some governments have since provoked new legal action and new decisions, such as the *Arsenault-Cameron* case in 2000 in Prince Edward Island, which had to do with the formula used to determine the number of people required for a community to be able to exercise its rights under section 23. That Supreme Court ruling used important nuances and clarifications to strengthen and expand on the *Mahé* decision.

Honourable senators, thanks to section 23, francophone minorities have been able to defend their right to French-language education before the courts. The Supreme Court has paved the way for a broader and more generous interpretation of our language rights in order to redress past and present injustices with a view to achieving substantive equality between the official language communities and promoting their development.

[English]

There can be no doubt, honourable senators, that Canada has benefited from the rights entrenched in our Constitution by the Charter. We have flourished as a society that treats individuals with respect — one that practices responsible stewardship of individual rights. The Charter of Rights and Freedoms has added a whole new dimension to Canadian politics, not so much the creation of new rights but, rather, a new way of making decisions about rights.

Honourable senators, by and large, the Canadian people deeply value the entrenchment of their rights and freedoms in our Constitution. In 2010, the Association for Canadian Studies found that the 1982 Constitution and the creation of the Charter of Rights and Freedoms ranked third in a nationwide survey of

the country's most significant moments. In the eyes of Canadians, Confederation in 1867 and the creation of a public health system in the 1960s were the only events ranking higher in historical importance.

A 2010 Nanos Research study found that nearly 6 in 10 Canadians believe that the Charter is moving our society in the right direction. The majority also feel that it has had a positive effect on Canada.

• (1540)

[Translation]

In conclusion, I would like to quote from a speech given by the Chief Justice of the Supreme Court of Canada, the Right Honourable Beverly McLachlin, on the 20th anniversary of the Charter, which provides a good summary of the essence of the document. She said:

... the uniquely Canadian character of the *Charter* is reflected in its emphasis on three kinds of rights: individual rights, tied to a conception of tolerance and respect; collective interests, bound up with an appreciation of the relationship of support and obligation between individual and community; and group rights, tied to a recognition that of pluralism is one of Canada's animating values. The *Charter* reconciles these three types of rights, not as contending forces balanced precariously against each other in basic opposition, but as complementary rights, drawing strength and support from each other. . . . And, to the extent this is so, it resonates with Canadians' conception of themselves.

Honourable senators, in light of the progress that has been made since the enactment of the Canadian Charter of Rights and Freedoms with regard to our country's linguistic duality, among other things, I would like to say that I believe it is essential to mark the 30th anniversary of this milestone.

[English]

The Hon. the Speaker: Is it agreed, honourable senators, that the item remains standing in the name of the Honourable Senator Andreychuk?

Hon. Senators: Agreed.

(On the motion of Senator Tardif, for Senator Andreychuk, debate adjourned.)

RECREATIONAL ATLANTIC SALMON FISHING

ECONOMIC BENEFITS—INQUIRY— DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Meighen, calling the attention of the Senate to the economic benefits of recreational Atlantic salmon fishing in Canada.

Hon. Elizabeth Hubley: Honourable senators, let me begin by expressing my thanks to our former colleague Senator Meighen for calling the attention of the Senate to the economic benefits of recreational Atlantic salmon fishing in Canada. In one of his final contributions as a member of this house, Senator Meighen presented a wonderful summary of the state of this industry as was detailed in a recent report from the Atlantic Salmon Federation. I thank Senator Meighen for initiating this inquiry and wish him well in his retirement.

This report by the Atlantic Salmon Federation clearly demonstrates the linkages between a healthy salmon population and the economic benefits Canadians, and particularly Canadians on the East Coast, can achieve from this resource. The report pegs the economic value of the wild Atlantic salmon at \$255 million, including \$150 million in direct gross domestic product, or GDP, contributions. About 4,000 full-time-equivalent jobs depend on this resource. In fact, the actual number of jobs is probably much higher because of the seasonality of this industry. Of the \$150 million in contribution to GDP, most of that, or about \$128 million, is directly attributable to the recreational fishery.

Recently released census results give us an official confirmation of what we all know. The weight of population and economic activity in this country is shifting to the Western provinces. Although this provides incredible growth potential in the Western provinces, economic opportunity is much more limited in regions like Atlantic Canada, particularly in the rural areas. This is precisely the region of the country that is most impacted by and receives the most benefit from the Atlantic salmon. The \$150 million of direct GDP contribution from this industry is focused not in our cities but on the rural areas of these provinces, areas where people have limited choices to earn a living, other than uprooting their family and moving across the country.

Honourable senators, that is precisely why we need to protect this industry. It is estimated that the wild Atlantic salmon population is currently at less than 20 per cent of its historic numbers. This is a species that needs our protection and regulation if it is to survive and if our industry surrounding this species is to thrive.

The low point of the wild Atlantic salmon was only 10 years ago, when there were an estimated 418,000 salmon in the wild. While this seems like a relatively large number, the number was about 1.8 million in 1973, just a few years earlier. That number had risen to 600,000 by 2010.

What have we seen as the numbers fluctuate? Over the past few years, as the salmon starts to recover a little bit, the number of anglers chasing those fish has increased, and so the economic value also increases. From 2005 to 2010, as the number of fish started to climb, the number of anglers in the recreational fishery increased from 41,000 to 58,000 participants. Remember, these anglers provide direct economic benefit precisely to those areas of our East Coast where opportunities are limited and where the recreational fishery is the biggest component contributing to the value of this industry.

However, the wild Atlantic salmon stocks, while increasing, are not thriving. They still sit at a fraction of their historic numbers. It is the responsibility of the federal government, principally

through the Department of Fisheries and Oceans, to ensure that this resource is protected and conserved, both to uphold our moral responsibility to the environment and to maintain the economic livelihood of those areas that depend on this fishery.

Particularly on the East Coast, we vividly remember examples of fisheries mismanagement and the resulting costs to our communities. We have to ensure that this does not happen again. As noted in the report by the Atlantic Salmon Federation, the Committee on the Status of Endangered Wildlife in Canada has recommended that the wild Atlantic salmon be declared an endangered or threatened species in numerous areas of the Atlantic coast.

Honourable senators, if the wild Atlantic salmon stocks collapse, we lose this multi-million-dollar industry supporting rural areas of the Atlantic shore. The wild salmon recreational fishery needs proper scientific-based management to ensure that it is available in the future. The Department of Fisheries and Oceans has a stated policy goal concerning the conservation of wild Atlantic salmon, which is to maintain and restore healthy and diverse salmon populations and their habitat for the benefit and the enjoyment of the people of Canada in perpetuity.

However, despite the importance of this industry to some of our most economically vulnerable regions, the Department of Fisheries and Oceans' budget related to Atlantic salmon has been reduced by 75 per cent since 1985. On top of that, the department's budget was cut again in Budget 2011, and according to media reports, more cuts are looming in the next federal budget.

The report by the Atlantic Salmon Federation supports increasing the federal budget dedicated to wild Atlantic salmon by \$15 million per year. This would go into conservation, restoration and education programs. With this investment, the federal government could truly assist with expanding this industry. The report points out that the return on this investment, solely based on the increased angler spending as the industry expands, would be in the range of 18 per cent, with the break-even point in six years. This does not even take into account the reduced need for other types of government support since the industry mostly affects rural areas with fewer opportunities.

It is the federal government principally, through the Department of Fisheries and Oceans, that has the mandate, the expertise and the authority to protect wild Atlantic salmon. We are at a critical point. Wild Atlantic salmon numbers have started to recover, but they are still endangered or threatened in many areas. Where the numbers are increasing, the related economic activity and benefit is also increasing.

• (1550)

This is not the time to further reduce the contribution of the federal government, but instead it is an opportunity for further investment. This is an industry with growth potential, but only if the federal government plays its role. Further investment is needed to allow this industry to grow, to support our rural communities and to protect the wild Atlantic salmon.

I urge the federal government to support this important fishery and to protect it for future generations.

(On motion of Senator Moore, debate adjourned.)

DOHA DEVELOPMENT ROUND

INQUIRY—DEBATE CONCLUDED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Harb, calling the attention of the Senate to the importance of Canada playing a proactive role in bringing about the successful conclusion to the Doha Development Round.

Hon. Mac Harb: Honourable senators may recall that I rose last month to call on the Canadian government to play a proactive role to ensure that the Doha Development Round proceeds. Despite their commitment, developed countries have been dragging their feet and the world's poorest people are paying the price.

Looking around the world, we see nations dependent on migrants' remittance — paycheques earned abroad and sent home — for up to 30 per cent of national gross domestic product. Remittances to developing countries were estimated at \$351 billion in 2011. These payments support the countries, but leave them vulnerable to the economic health of the richer countries.

As well, migration does not solve the problem in regions such as North Africa, where more than 60 per cent of the young people are not participating in the labour force. These young people do not have Canada's social safety net to help them get by. They are forced to choose between a life of hopelessness, frustrations and unrest at home, or a life of risk and hardship trying to migrate to other countries.

All too often, we read reports of the overloaded boats and the bodies washed up on foreign shores. For those who make it, high unemployment in developed countries limits jobs and hardens attitudes against migration. The tensions grow.

In May 2011, the World Trade Organization, the OECD and the UN Conference on Trade and Development reported a rise in protectionism due to economic conditions, even though history has shown that protectionist measures actually stall growth and kill jobs. In these conditions, nationalism, in its most aggressive form, finds fertile ground for its message of intolerance and unrest. We have seen this before — most recently as a prelude to two world wars. Without a comprehensive multilateral trade agreement and a strong WTO, everyone loses.

However, due to the present WTO system of consensus, the chances of having an agreement in the near future are slim. With elections and leadership changes expected this year in the United States, France, Germany and China, politicians will avoid policies that appear to weaken domestic economies. With the global

economy uncertain and government debts at all-time highs, the EU, the U.S. and Japan will not be leaning toward making trade concessions.

However, we must look beyond these parochial concerns, and I believe Canada is best equipped to take the lead. We are a small but stable player in the world economy. I believe we can, as they say, punch above our weight.

[Translation]

Canada has to strengthen its commitment with regard to the multilateral trade system. It must renew its commitment to refrain from increasing protectionist measures and ensure that our country takes the important symbolic and concrete measure of opening our market to the least developed countries, without tariffs or quotas. Canada must support the WTO, but in reality it has not been very active. I say it is high time for Canada to take action.

[English]

The WTO needs to break the link between market size and political weight so that small and poor countries have a voice in the trade negotiations. We must limit the ability of individual countries to impede progress on priority negotiations.

We have to accept that not everything will be achieved right away. Experts from every organization that counts, including the World Bank, tell us that what is needed is a critical mass of the larger players to improve their offers on market access. Canada has the diplomatic strength and credibility to play a key role in achieving that critical mass tipping point —

The Hon. the Speaker: I regret to inform the honourable senator that his 15 minutes have now expired.

Senator Harb is asking for another five minutes; is that agreed, honourable senators?

Hon. Senators: Agreed.

Senator Harb: I only need two minutes, Your Honour.

There are many countries around the world that cannot make ends meet under the current global trading system. We see the effects — famine and fanaticism — effects that can spill beyond their borders.

Honourable senators, Canada must take the steps necessary now so that poor countries have a voice in trade negotiations and so that, ultimately, they have the capacity to support their people. They have waited way too long. They have waited long enough.

The Hon. the Speaker: Is there further debate?

If there is no further debate, honourable senators, this inquiry is considered debated.

(Debate concluded.)

(The Senate adjourned until Thursday, April 26, 2012, at 1:30 p.m.)

CONTENTS

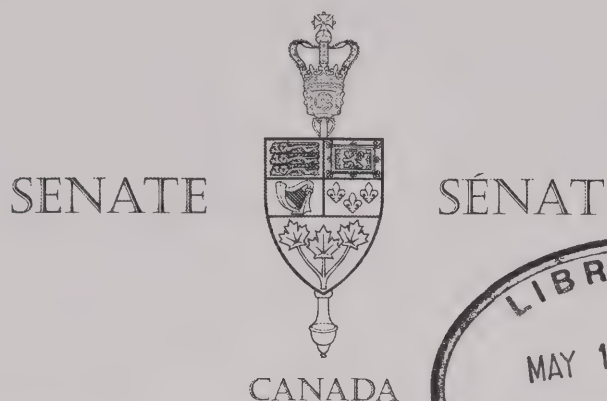
Wednesday, April 25, 2012

	PAGE		PAGE
SENATORS' STATEMENTS		Health	
First Nations Elections Bill (Bill S-6)		Food Labelling.	
Hon. Patrick Brazeau	1670	Hon. Robert W. Peterson	1674
National Victims of Crime Awareness Week		Hon. Marjory LeBreton	1674
Hon. Pierre-Hugues Boisvenu	1670	Public Safety	
The Late Randy Starkman		Closure of Prisons.	
Hon. Nancy Greene Raine	1671	Hon. Joan Fraser	1674
Multiculturalism and Religion		Hon. Marjory LeBreton	1674
Hon. Nicole Eaton	1671	Hon. James S. Cowan	1676
Visitors in the Gallery		Hon. Terry M. Mercer	1676
The Hon. the Speaker	1672	Hon. Jane Cordy	1676
Harry Jerome Awards		Hon. Jean-Claude Rivest	1677
Hon. Don Meredith	1672		
<hr/>		<hr/>	
ROUTINE PROCEEDINGS		ORDERS OF THE DAY	
Prohibiting Cluster Munitions Bill (Bill S-10)		Safe Drinking Water for First Nations Bill (Bill S-8)	
First Reading.		Second Reading.	
Hon. Gerald J. Comeau	1673	Hon. Lillian Eva Dyck	1677
Canadian NATO Parliamentary Association		Referred to Committee	1679
Spring Session, May 27-30, 2011—Report Tabled.		Fisheries and Oceans	
Hon. Jane Cordy	1673	Budget and Authorization to Engage Services and Travel—	
Canada-China Legislative Association		Study on Lobster Fishery in Atlantic Canada and Quebec—	
Canada-Japan Inter-Parliamentary Group		Sixth Report of Committee Adopted.	
Annual Meeting of the Asia-Pacific Parliamentary Forum,		Hon. Elizabeth Hubley	1679
January 8-12, 2012—Revised Report Tabled.		Rules, Procedures and the Rights of Parliament	
Hon. Donald Neil Plett	1673	First Report of Committee—Speaker's Ruling—Order Stands.	
Canadian NATO Parliamentary Association		The Hon. the Speaker	1680
Visit of the Mediterranean Special Group, the Joint Meeting		Hon. Gerald J. Comeau	1682
of the Ukraine-NATO Interparliamentary Council,		Hon. Claudette Tardif	1682
the Sub-Committee on NATO Partnerships and the		Business of the Senate	
Sub-committee on Democratic Governance and the Visit		Hon. Gerald J. Comeau	1682
of the Sub-Committee on Transatlantic Defence		Issue of Support for the Visually Impaired	
and Security Co-operation, July 4-7, 2011—Report Tabled.		Inquiry—Debate Adjourned.	
Hon. A. Raynell Andreychuk	1673	Hon. Asha Seth	1683
<hr/>		Distinguished Visitor in the Gallery	
QUESTION PERIOD		The Hon. the Speaker	1684
Citizenship and Immigration		Charter of Rights and Freedoms	
Provincial Nomination Program.		Inquiry—Debate Continued.	
Hon. Maria Chaput	1673	Hon. Claudette Tardif	1684
Hon. Marjory LeBreton	1674	Recreational Atlantic Salmon Fishing	
		Economic Benefits—Inquiry—Debate Continued.	
		Hon. Elizabeth Hubley	1687
		Doha Development Round	
		Inquiry—Debate Concluded.	
		Hon. Mac Harb	1688



If undelivered, return COVER ONLY to:
Public Works and Government Services Canada
Publishing and Depository Services
Ottawa, Ontario K1A 0S5





DEBATES OF THE SENATE

1st SESSION

•

41st PARLIAMENT

•

VOLUME 148

•

NUMBER 72

OFFICIAL REPORT
(HANSARD)

Thursday, April 26, 2012

The Honourable NOËL A. KINSELLA
Speaker

CONTENTS

(Daily index of proceedings appears at back of **this issue**).

Debates Services: D'Arcy McPherson, National Press Building, Room 906, Tel. 613-995-5756
Publications Centre: David Reeves, National Press Building, Room 926, Tel. 613-947-0609

Published by the Senate
Available from PWGSC – Publishing and Depository Services, Ottawa, Ontario K1A 0S5.
Also available on the Internet: <http://www.parl.gc.ca>

THE SENATE

Thursday, April 26, 2012

The Senate met at 1:30 p.m., the Speaker in the chair.

Prayers.

SENATORS' STATEMENTS

DAFFODIL DAY

CANADIAN CANCER SOCIETY

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, I rise today to speak in recognition of Daffodil Day, which is held annually on April 27.

Throughout the Daffodil Month of April, and particularly on Daffodil Day, the Canadian Cancer Society asks that all Canadians wear a daffodil to draw attention to the fight against cancer. Support can be demonstrated in a variety of ways. Activities such as fundraising for cancer research and prevention, participating in walks or runs, or volunteering to transport cancer patients to appointments for checkups and treatment are but a few examples. A simple and meaningful expression of encouragement to someone currently fighting their own personal battle against cancer is another way to acknowledge individual challenges.

Last year, the Canadian Cancer Society estimated that approximately 177,000 new cases of cancer were diagnosed in Canada, almost 67,000 in my own home province of Ontario. Each person in this chamber has been touched by cancer, whether it be our family members, our friends or our associates. We know only too well that some honourable senators are cancer survivors themselves. I am certain, honourable senators, that each one of us can immediately think of a person in our lives who would appreciate special recognition today as they encounter one of the most challenging times they will ever have to face.

Daffodil Day is also a day of reflection to remember loved ones who have succumbed to this terrible disease. Today I think particularly of our dear late colleague the Honourable Fred Dickson, who passed away just this past February, and who, as we all know, conducted a courageous battle against cancer for many years. He was a respected and valued member of the Conservative caucus and of the Senate as a whole. We all, on both sides of the chamber, miss Senator Dickson and we will continue to keep him and his loving family in our thoughts.

Honourable senators, on Daffodil Day and every day let us offer our support to those living with cancer and to all families across the country who face such a diagnosis with resolve and determination. It is my hope that in the years ahead we will see cancer rates go down and survival rates continue to increase. There is encouragement, because they are increasing. In the

meantime, let us continue to lend encouragement to ensure that all men, women and children with cancer know that they are not alone.

[Translation]

WOMEN'S HEALTH CONTRIBUTION PROGRAM

Hon. Céline Hervieux-Payette: Honourable senators, it is with immense sadness that I speak to deplore the end of the Women's Health Contribution Program.

The program supported community-academic partnerships in the development and dissemination of policy research and information for women's health. The program was managed by the Bureau of Women's Health and Gender Analysis.

Let us not forget that clinical drug trials are now done separately for men and women, which is something new that began a few years ago.

The program contributed approximately \$2.95 million annually to eligible recipients. It supported the Centres of Excellence for Women's Health, Canadian Women's Health Network, working groups and other initiatives that address specific policy issues in women's health.

The following organizations received support for their research: the Réseau québécois d'action pour la santé des femmes, the Canadian Women's Health Network, the Atlantic Centre of Excellence for Women's Health, the British Columbia Centre of Excellence for Women's Health, the Prairie Women's Health Centre of Excellence, and the National Network on Environments and Women's Health, located across the country from Vancouver to Halifax.

The centres and networks funded by the program carried out research and provided policy input to federal government departments on a broad range of women's health issues, including: the women's health implications of the federal government's regulation of toxic chemicals; the hypersexualization of girls; the intergenerational legacy of residential schools for Aboriginal women and their families; the need for trauma-informed counselling for women with addictions; a working guide for conducting sex- and gender-based analysis in health research; and a critical analysis of funding for the HPV vaccine.

• (1340)

I would like to take this opportunity to thank everyone who has worked to improve the health of Canadian women. I hope that other sources of funding will keep these organizations viable because they are key to one day achieving women's equality.

INTERNATIONAL TRADE

Hon. Suzanne Fortin-Duplessis: Honourable senators, Canada's economy relies heavily on exports. In recognition of that fact, and to promote trade, The Minister of International Trade, Edward Fast, recently wrapped up a four-country visit to the Americas by drawing the attention of participants at the first G20 trade ministers' meeting in Mexico to Canada's pro-trade plan.

The G20 trade ministers' meeting was a clear indication that Mexico and the other nations recognize that free and open trade is the best way to create jobs, growth and long-term prosperity for people around the world. With more than 60 per cent of our economy and the jobs of one in five Canadians generated by trade, the Government of Canada understands the importance of trade to Canada's economy. That is why we are currently undertaking the most ambitious trade expansion plan in our country's history.

Since the original Canada-Chile Free Trade Agreement was implemented, bilateral trade between these nations has more than tripled, and investment has quadrupled.

In Colombia and Peru, Minister Fast highlighted how recently implemented free trade agreements between Canada and the two countries — Colombia in 2011, Peru in 2009 — have shown clearly how strengthening trade benefits workers, businesses and families.

Furthermore, I am also pleased with the momentum that is building in support of Canada's participation in the Trans-Pacific Partnership negotiations, with both Chile and Peru signalling support for Canada's inclusion.

Seven of Canada's 10 free trade agreements are with countries in Latin America or the Caribbean. In less than six years, the Government of Canada has concluded trade agreements with Colombia and Peru, and an agreement with Panama is awaiting ratification. Canada has also concluded free trade negotiations with Honduras. In addition, Canada has nine foreign-investment promotion agreements and 31 air-transport agreements with countries in the Americas, as well as two science and technology cooperation agreements.

Honourable senators, by implementing these agreements, Canada has made international trade one of the pillars of its economic growth. The foundation laid will ensure strong economic performance and long-term prosperity.

[English]

ROUTINE PROCEEDINGS

AUDITOR GENERAL

LETTER PERTAINING TO RESULTS OF FRENCH LANGUAGE TRAINING ASSESSMENT TABLED

Hon. Gerald J. Comeau (Acting Deputy Leader of the Government): Honourable senators, I have the honour to table, in both official languages, a letter from the Auditor General of

Canada to the Leader of the Government in the Senate regarding an assessment of the Auditor General of Canada's capacity to learn a second official language.

[Translation]

ABORIGINAL PEOPLES

BUDGET AND AUTHORIZATION TO ENGAGE SERVICES AND TRAVEL—FIFTH REPORT OF ABORIGINAL PEOPLES COMMITTEE PRESENTED

Hon. Gerry St. Germain, Chair of the Standing Senate Committee on Aboriginal Peoples, presented the following report:

Thursday, April 26, 2012

The Standing Senate Committee on Aboriginal Peoples has the honour to present its

FIFTH REPORT

Your committee, which was authorized by the Senate on Wednesday, March 28, 2012, to examine and report on the evolving legal and political recognition of the collective identity and rights of the Métis in Canada, respectfully requests funds for the fiscal year ending March 31, 2013, and requests, for the purpose of such study, that it be empowered:

- (a) to engage the services of such counsel, technical, clerical and other personnel as may be necessary;
- (b) to adjourn from place to place within Canada; and
- (c) to travel inside Canada.

Pursuant to Chapter 3:06, section 2(1)(c) of the *Senate Administrative Rules*, the budget submitted to the Standing Committee on Internal Economy, Budgets and Administration and the report thereon of that committee are appended to this report.

Respectfully submitted,

GERRY ST. GERMAIN
Chair

(For text of budget, see today's Journals of the Senate, Appendix, p. 1196.)

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

(On motion of Senator St. Germain, report placed on the Orders of the Day for consideration at the next sitting of the Senate.)

[English]

INDUSTRIAL ALLIANCE PACIFIC INSURANCE AND FINANCIAL SERVICES INC.

PRIVATE BILL—ELEVENTH REPORT OF LEGAL AND
CONSTITUTIONAL AFFAIRS COMMITTEE PRESENTED

Hon. Bob Runciman, Chair of the Standing Senate Committee on Legal and Constitutional Affairs, presented the following report:

Thursday, April 26, 2012

The Standing Senate Committee on Legal and Constitutional Affairs has the honour to present its

ELEVENTH REPORT

Your committee, to which was referred Bill S-1003, An Act to authorize Industrial Alliance Pacific Insurance and Financial Services Inc. to apply to be continued as a body corporate under the laws of Quebec, has, in obedience to the order of reference of Tuesday, April 24, 2012, examined the said Bill and now reports the same without amendment.

Respectfully submitted,

BOB RUNCIMAN
Chair

The Hon. the Speaker: Honourable senators, when shall this bill be read the third time?

(On motion of Senator Comeau, bill placed on the Orders of the Day for third reading at the next sitting of the Senate.)

NATIONAL FINANCE

NOTICE OF MOTION TO AUTHORIZE COMMITTEE
TO STUDY TAX CONSEQUENCES OF VARIOUS PUBLIC
AND PRIVATE ADVOCACY ACTIVITIES UNDERTAKEN
BY CHARITABLE AND NON-CHARITABLE ENTITIES

Hon. James S. Cowan (Leader of the Opposition): Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That the Standing Senate Committee on National Finance be authorized to examine and report on the tax consequences of various public and private advocacy activities undertaken by charitable and non-charitable entities in Canada and abroad;

That, in conducting such a study, the committee take particular note of:

- (a) Charitable entities that receive funding from foreign sources;

- (b) Corporate entities that claim business deductions against Canadian taxes owing for their advocacy activities, both in Canada and abroad; and

- (c) Educational entities that utilize their charitable status to advocate on behalf of the interests of private entities; and

That the Committee submit its final report to the Senate no later than June 30, 2013, and retain all powers necessary to publicize its findings for 180 days after the tabling of the final report.

• (1350)

QUESTION PERIOD

INDUSTRY

COMMUNITY ACCESS PROGRAM

Hon. Jane Cordy: Honourable senators, the Community Access Program, commonly known as CAP, has been in operation since 1995. The program ensures that all Canadians have equal access to the Internet. It has been operating, that is, until a late-evening announcement the night before the Easter long weekend by the Harper government that eliminated their support for the program.

The Harper government claims that CAP was gutted because the vast majority of Canadians now have access to the Internet and the program is obsolete. This is in direct contradiction to Statistics Canada studies that show that only 54 per cent of low-income Canadians have Internet access and there are thousands of Canadians who use CAP sites each day.

Low-income Canadians are exactly the people who need convenient Internet access, as the government proudly boasts of providing most of their services online. This mixed messaging has Canadians confused.

How does this government plan to ensure that low-income Canadians, rural Canadians without high-speed Internet, and new Canadians and seniors who rely on the CAP sites for their Internet access will have access to the increasing number of government programs available online?

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, this program — as are many programs, we find — was set up for a purpose at the time. It was launched in 1995 to help Canadians access the Internet at a time when few households could do so. Today, a vast majority of Canadian households are connected to the Internet and/or are on mobile devices.

As part of *Canada's Economic Action Plan 2009*, \$225 million was provided to extend broadband coverage to over 210,000 Canadian households. The honourable senator stated in her

preamble the reasons the government gave for ending this program, and those reasons are correct. There is no longer a need for this program.

Senator Cordy: Honourable senators, only 54 per cent of lower-income Canadians have access to the Internet. How will the rest access government programs?

Senator LeBreton: After careful consideration of all aspects of this program, and in view of the fact that in 2009 the government put significant funds into connecting Canadian households to the Internet, it was felt that, between the Internet and the mobile facilities to which most Canadians have access, this program had outlived its usefulness. That decision is final, honourable senators.

Senator Cordy: I say again that 54 per cent of lower-income Canadians have access to a computer; 46 per cent of lower-income Canadians do not have access to a computer. How are they supposed to access government programs?

Senator LeBreton: The fact of the matter, honourable senators, is that programs are set up to meet a need. This program was set up some 16 years ago. In 2009, the government put considerable resources into the broadband program in order to complete its work. They are completing this work and now it is time for the Community Access Program to be terminated.

Senator Cordy: The objective of the CAP program is to ensure that all Canadians have equal access to the Internet and technology and have the skills to use it to better their lives and their communities. Forty-six per cent of lower-income Canadians do not have access. Usage of CAP sites is still the same or greater than it was in 1995, and training sessions are constantly in demand. Industry Canada knows this.

This objective has not been met. CAP site coordinators and volunteers contribute about 630,000 volunteer hours each year in New Brunswick alone, so the objective has not been met.

In Nova Scotia we have 209 CAP sites, operating mainly out of libraries and community centres, and they rely heavily on volunteers for their day-to-day operations. The funding provided by the federal and provincial governments covered the cost of the computers and the electricity bills. Without the federal funding, most of these CAP sites will no longer be able to operate.

This comes on top of recent announcements to close EI-processing Service Canada offices in many areas of Canada where high unemployment is a reality. Both Glace Bay and Sydney, in Cape Breton, Nova Scotia, will see their Service Canada offices close, and those areas have the highest unemployment rates in Nova Scotia and likely one of the highest in the country. P.E.I. will have its only EI-processing Service Canada office in the province closed. What is the government's reasoning? Those Canadians have access to government programs online. Well, they do not.

What is the government's plan for those Canadians left without the CAP program or when a Service Canada office has been abandoned?

Senator LeBreton: We are moving into an era of modern technology. Again, there was a considerable amount of evidence that access to Service Canada sites was not being utilized; rather, people were accessing the information through the Internet. There is significant background information on this. If Senator Cordy does not mind, I will take her last question as notice and provide it by written response.

Hon. Sandra Lovelace Nicholas: Honourable senators, what about the First Nations people living in remote areas? In my own community there are 2,500 people, and half of them do not have access to the Internet.

Senator LeBreton: I would be happy to add the question by Senator Lovelace Nicholas to the information I will provide to the Senate following up on Senator Cordy's question.

Hon. Terry M. Mercer: Honourable senators, it seems to me that the government would be wise to read the report of the Standing Senate Committee on Transport and Communications entitled *Plan for a Digital Canada*. We were shocked to find out how poorly Canadians are served across the country. Forty-six per cent of low-income people do not have access.

The Leader of the Government in the Senate talks about them using hand-held devices, iPads, or whatever devices she may be referring to. The issue is that they may not even have those devices; and if they do, they may not be able to pay for the services.

The knuckle-dragging, Neanderthal, climate change-denying Luddites across the way should start thinking about that 46 per cent of low-income Canadians.

Some Hon. Senators: Oh, oh!

Senator Mercer: When will the government sit back and think that maybe, just this one time, it has made a mistake and that it is time to say, "We will keep those sites open so we can service those people across the country who need this service the most of all"?

Senator LeBreton: I will refrain from referring to the honourable senator's ridiculous comments about people on this side and our government.

The fact of the matter is, honourable senators, that the government put significant resources into broadband to reach rural and remote areas. Overwhelmingly, Canadians are connected to the Internet, not only in our cities but also in our rural and remote communities. I will obtain additional information, as I promised Senator Cordy and Senator Lovelace Nicholas.

As with everything in our country, we progress and time moves on. I used to type on a typewriter. People now do not even know what a typewriter is. Technology changes and there are new technologies. Canadians overwhelmingly use these technologies. We are simply keeping pace with the modern-day technology and modern-day needs in Canada.

With regard to Canadians who live in poverty, no government in the history of this country has done more to assist people living in poverty and taking people off the tax rolls than this government.

• (1400)

Senator Cordy: Honourable senators, in her answer Senator LeBreton said this program has outlived its usefulness. When she is looking for information to bring back to the chamber, would she also look at the Statistics Canada study that shows that 54 per cent of low-income Canadians have Internet access? Would she also please look at the recent studies by Industry Canada which say that such CAP sites are used by a wide variety of Canadians: those without high-speed Internet access, low-income Canadian families, seniors, older workers, new Canadians, Canadians needing to connect with online government services, workers who travel and work in rural areas, job seekers and youth in need of first-time employment? Would Senator LeBreton look at the studies by Industry Canada and by Statistics Canada?

Senator LeBreton: It was nice of the honourable senator to put all that on the record, but I already said I would provide that information to her.

[Translation]

CANADIAN HERITAGE

CANADA PERIODICAL FUND

Hon. Maria Chaput: Honourable senators, my question is for the Leader of the Government in the Senate. On March 16, 2010, I asked a question about the Department of Canadian Heritage's Canada Periodical Fund and the support this fund provides to French-language newspapers for minority communities. At that time the leader took note of my concerns and, in the response provided on April 14, 2010, told me that this fund would continue to provide financial support to French-language periodicals in minority communities.

Today, I am once again asking the leader to intervene. I hope the response will be as positive as it was in April 2010.

Here is the situation. *La Liberté*, the French-language weekly in Manitoba has just learned that it will no longer be able to obtain financial support from the Canada Periodical Fund. Without that support, *La Liberté*, which is the only newspaper serving Manitoba's francophone community, and which will celebrate its 100th anniversary in 2013, will have to make major cuts to its staff and may even have to close its doors, since subscriptions and the sale of advertising are not enough to keep the minority community's newspaper afloat.

My question is this: could the minister see if it is possible to once again ensure that the Canada Periodical Fund will continue to support newspapers for francophone minority communities? Would it be possible to obtain another exemption for the newspapers of official language minority communities? These newspapers are small and they will disappear without this assistance.

[English]

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, questions such as the one asked by Senator Chaput deal specifically with subject matter that is often better

resolved by putting the question on the order paper. However, I will take her question as notice and provide a written response.

[Translation]

Hon. Claudette Tardif (Deputy Leader of the Opposition): Honourable senators, my question is related to that of my colleague, Senator Chaput. The only newspaper serving the Franco-Albertan community, *Le Franco*, is affected by the change in the funding formula for the aid to publishers component of the Canada Periodical Fund. Under the new formula, subsidies are based on circulation. Thus, larger amounts will go to the larger players, while funding for publications serving francophone minority communities, such as *Le Franco*, will be decreased or eliminated because the readership of these publications is so specific and is scattered across the province.

In the case of *Le Franco*, because of the size of the decrease in the subsidy, the newspaper is considering reducing its staff, number of pages and circulation.

Madam Leader, does Canadian Heritage not have a certain duty to review its funding formula in order to take into account the particular reality facing small newspapers, especially those that serve the official language minority communities?

[English]

Senator LeBreton: Honourable senators, I believe that Senator Chaput also mentioned the newspaper in Alberta. I will certainly make inquiries about the Canada Periodical Fund as it relates to Alberta and Manitoba and provide a written response.

[Translation]

Senator Tardif: I thank the minister for her reply. Honourable senators, I would simply like to quote an excerpt from a letter sent by the director of *Le Franco* to Minister Moore:

Franco-Albertans are scattered over a vast geographical area. *Le Franco* newspaper is a key player and irrefutable linchpin in the development of its community and the many organizations that count on the newspaper to inform the population of their issues. If *Le Franco* is forced to reduce its services, there is no other newspaper to take its place, and the development and enrichment of the Franco-Albertan community will suffer the consequences.

As you know, honourable senators, this is an extremely important issue and I believe that, under Part VII of the Official Languages Act, which refers to positive measures, it is crucial that Canadian Heritage bring in measures to enable these communities to thrive.

[English]

Senator LeBreton: I thank the honourable senator for the additional information. I will refer it to the Minister of Canadian Heritage.

[Translation]

INTERNATIONAL COOPERATION

FOREIGN AID FOR MATERNAL AND INFANT HEALTH IN DEVELOPING COUNTRIES

Hon. Céline Hervieux-Payette: Honourable senators, my question is for the Leader of the Government in the Senate.

The government has already cut funding to organizations that promoted women's health and family planning in developing countries through CIDA, especially countries that cannot fund clinics where a woman could possibly have access to abortion.

Faced with such negative decisions and budget cuts to organizations working in the area of women's health, how will the leader, as a senator and a woman, ensure that the policies of her government regarding the status of women will not eventually lead to the abolition of the department responsible for women's issues?

[English]

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, Canada's child and maternal health program has been applauded by the United Nations Secretary-General and other partners in the world for taking leadership on maternal, newborn and child health, including on the United Nations Commission on Information and Accountability for Women's and Children's Health, co-chaired by our Prime Minister, as we know.

Since this initiative was launched, Canada has taken decisive action with its maternal, newborn and child health partners to launch projects that will achieve meaningful results for mothers and children in developing countries. We have invested significant new resources — \$1.1 billion, to be exact — to improve maternal, newborn and child health, with 80 per cent of these efforts focused on the sub-Saharan countries of Africa.

For example, in the Democratic Republic of the Congo, 48,000 pregnant women now have access to health care facilities. In Ghana, 10,000 people have improved access to neonatal care and malaria prevention. In Uganda, 30 new health centres and 120 new staff are being set up to provide access to health services. The government's commitment to child and maternal health is unprecedented, and we are very proud of our record in this area.

[Translation]

HEALTH

WOMEN'S HEALTH CONTRIBUTION PROGRAM

Hon. Céline Hervieux-Payette: My question for the leader was about Canada in particular, but we have also seen that the government's commitment to women's health outside the country has limits and that a Conservative rather than a Liberal approach is being taken to women's health.

The Prime Minister has always talked about open federalism. We are wondering what has happened to this openness because, after the conference of health ministers, he announced the new formula without undertaking any consultations. When will the Prime Minister hold a real federal-provincial health conference, focussed on health and especially on developing best practices for the health sector, instead of making threats every week about reduced accessibility and tolerating private sector involvement in the public sector, knowing that the number of health workers is limited and that, together with the provinces, we must devise new models that will be accessible to all Canadians?

When will the Prime Minister of Canada and the provincial ministers of health meet to discuss health?

• (1410)

[English]

Hon. Marjory LeBreton (Leader of the Government): The government did announce that the Women's Health Contribution Program will terminate in March 2013. This particular function does not and never did deliver front-line health services. We will continue to invest significant funds through CIHR to women's health, and of course since 2006 we have invested \$300 million in one program alone — the HPV prevention program.

I dispute the claim of the honourable senator that there are diminishing services. However, it is well known that our government has provided stable funding to the provinces and territories, which are ultimately responsible for the delivery of health, and this is the commitment the government has made far beyond the previous mandate. The provinces now have secure, stable funding. We have great evidence that provinces are working now on best practices as to how to deliver their health services in a timely, cognizant way. In the case of Ontario, even though they have been given a 6 per cent increase per year, they are actually spending only 3 per cent a year increasing their health care services. I would think that with stable funding the provinces and territories are well equipped now to make their own decisions with regard to their own health needs.

Senator Hervieux-Payette: I was not questioning the amount of money that was agreed to but rather the planning done by the federal and provincial governments that are involved, those paying a good part of it, because the provinces too are paying a lot of it. We have to examine the costs. We have to look at the aging population. We have to see what the best mechanisms are to keep people healthy and also to provide the services that are affordable and to ensure there is money left for education.

When will the governments meet, sit down and ensure we have a new model that will ensure that Canadians have good health services but also that the federal government, who is sending a cheque, is responsible for this amount of money?

Senator LeBreton: I suppose the honourable senator does not follow the activities of Minister of Health Leona Aglukkaq very closely, but that is exactly what she does. She is the federal Minister of Health. There are regular federal-provincial meetings

on health care, and so to suggest that somehow or other the federal government, now that we have provided stable funding, has taken a hands-off approach is of course incorrect.

Having said that, this government believes that the provinces and the territories are the primary deliverers of health services, and stable funding is what they require, and we actually trust the provinces. We do not believe there has to be a big brother overseeing every step of the way. We think they are perfectly capable of delivering their own health care services.

[Translation]

FISHERIES AND OCEANS

COAST GUARD—RESCUE COORDINATION CENTRES

Hon. Pierre De Bané: Honourable senators, my question is for the Leader of the Government in the Senate. The report by the Commissioner of Official Languages gets right to the point. The closure of the marine search and rescue centre in Quebec City will have a major impact on the availability of rescue services for French-speaking people in distress.

It is difficult to see how the Coast Guard will be able to resolve the problems set out in the commissioner's report. The language of work of the staff in Trenton and Halifax will still be English. Bilingual employees will have to translate from French to English for their unilingual anglophone colleagues.

What is more, in a rescue situation when every second counts, it is not enough for staff to be bilingual; they must be able to speak French well enough to understand people when they are in a state of panic. Why is the government prepared to jeopardize people's safety by failing to guarantee appropriate services in French for francophones in distress?

[English]

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, the government is not playing with the lives of people. That is an irresponsible statement.

As stated by Minister Ashfield, under whose responsibility the Maritime Rescue Sub-Centres in St. John's and Quebec City fall, the Coast Guard ships and Coast Guard auxiliary will continue to respond to emergencies as they have previously with the Joint Rescue Coordination Centres maintaining the current levels of service provided by the Coast Guard. The provision of bilingual services is critical, necessary and continuing. The Coast Guard will continue to provide the same level of bilingual services to Canadians following this consolidation, but as the honourable senator pointed out, we do have the report of the Commissioner of Official Languages.

The Canadian Coast Guard has already identified some of the issues raised in this report and is implementing a plan to address the concerns of the Official Languages Commissioner, and we of course as a government, as always, appreciate the work of the Official Languages Commissioner and will respond to all the concerns he has raised in an effort to ensure no one's safety is compromised, whether they be francophone, anglophone or bilingual.

Senator De Bané: I urge the Leader of the Government to read the report done not by a member of the opposition but by an officer of Parliament, the Commissioner of Official Languages. He states very clearly his concern about this new policy.

[Translation]

The decision to close the rescue coordination centre in Quebec City has elicited strong reactions in Quebec's maritime communities since last year, particularly because the transfer of the centre to other provinces does not take into account the importance of language and knowledge of local geography in rescue operations.

[English]

People in Halifax and Trenton do not have 7-days-a-week, 24-hours-a-day bilingual services. This is the thing that has brought the concern of the Commissioner of Official Languages.

[Translation]

The number of bilingual staff will not be sufficient to cover the many distress calls received in French. Will the government abandon its plan to close this centre and will it respect the Official Languages Act in order to ensure the safety of all Canadians?

[English]

Senator LeBreton: Honourable senators, the joint rescue coordination activities have not been compromised. The work of the Canadian Coast Guard continues as was the case in the past. Safety has not been compromised. The provision of bilingual services is critical, and no one is suggesting for a moment that this service be compromised or changed. It has not been.

The Coast Guard will continue to provide the same level of bilingual service to Canadians following the consolidation of the call centres. As you point out, the Commissioner of Official Languages raised some concerns. The Coast Guard is working with the Official Languages Commissioner to address some of these concerns, and we look forward to the follow-up from the Official Languages Commissioner as to the results of his deliberations with the Coast Guard.

• (1420)

No one's safety is compromised. The Coast Guard is still the Coast Guard. The Joint Rescue Co-ordination Centres are still operating in both of Canada's official languages. This government recognizes the linguistic duality of this country, as I said many times. Nothing has changed other than consolidating the work of the centre. Nothing has changed in terms of service available to people in need, whether it is in English, French or bilingual.

ORDERS OF THE DAY

CRIMINAL CODE

BILL TO AMEND—SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator Runciman, seconded by the Honourable Senator Eaton, for the second reading of Bill S-209, An Act to amend the Criminal Code (prize fights).

Hon. Larry W. Campbell: Honourable senators, I rise today to speak on Bill S-209, an act to amend the Criminal Code with respect to prizefights. If passed, this bill will provide an updated definition of prizefighting, which would be truly representative of what that means today.

The Criminal Code currently defines prizefighting as an “an encounter or fight with fists or hands between two persons.” We are somewhat familiar with that in this place from a few weeks ago.

Under the Criminal Code, the only combative activities legally allowed are boxing matches held under the jurisdiction of a provincial athletic board. If the bill is passed, the definition of prizefighting would include encounters with fists, hands or feet. Additionally, the bill would add the following exemptions under the Criminal Code: amateur combative sports which are included on the program of the International Olympic Committee; other amateur sports designated by the province; and boxing matches and/or mixed martial arts contests held under the jurisdiction of a provincial athletic board or similar body.

Essentially, this would mean that sports such as judo, karate and mixed martial arts would be exempted from prosecution. These are all legitimate sports that are enjoyed by thousands of Canadians across the country.

Mixed martial arts especially have become extremely popular in recent years. The Ultimate Fighting Championship, the largest organization for professional mixed martial arts, has already hosted a number of events in Canada and has plans for more. Previous events drew over 200,000 fans. These events generate a lot of revenue and are good for our tourism industry. This bill will ensure that our provincial governments no longer have to turn a blind eye to organized sporting events for these kinds of martial arts.

The previous version of this bill, Bill C-31, which died on the Order Paper when the second session of the Fortieth Parliament was prorogued, received all-party support in the other place.

Honourable senators, this is a straightforward piece of legislation that would ensure this particular definition is relevant and up to date. I support its speedy passage.

Some Hon. Senators: Hear, hear!

The Hon. the Speaker: Are honourable senators ready for the question?

Some Hon. Senators: Question!

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

(Motion agreed to and bill read second time.)

REFERRED TO COMMITTEE

The Hon. the Speaker: Honourable senators, when shall this bill be read the third time?

(On motion of Senator Runciman, bill referred to the Standing Senate Committee on Legal and Constitutional Affairs.)

NATIONAL STRATEGY FOR CHRONIC CEREBROSPINAL VENOUS INSUFFICIENCY (CCSVI) BILL

SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator Cordy, seconded by the Honourable Senator Peterson, for the second reading of Bill S-204, An Act to establish a national strategy for chronic cerebrospinal venous insufficiency (CCSVI).

Hon. Betty Unger: Honourable senators, I rise today to talk to you about Bill S-204, a strategy for chronic cerebrospinal venous insufficiency, or CCSVI, and the federal role in the investigation of CCSVI.

An estimated 55,000 to 75,000 Canadians live with multiple sclerosis. We are all familiar with this number. It tells us that far too many Canadians and their families are struggling with this frustrating and often debilitating disease. Honourable senators share their frustration. We also share their hope and determination that effective treatments and, ultimately, a cure will be found for this disease.

That is why our government is determined to support the investigation of chronic cerebrospinal venous insufficiency and the Zamboni procedure that has caused so much excitement for MS patients.

I agree with the honourable senator from Sydney, as does the government, that Canadians with MS deserve to know whether the hope and promise of the proposed new procedure rests on solid scientific foundation.

That said, I do not support this bill. The consensus among researchers from around the world is that more research is required.

One key element of Bill S-204 is a requirement that clinical trials on CCSVI be initiated. As honourable senators know, our government committed to supporting a clinical trial last June. About a month ago, the Minister of Health, Minister Aglukkaq, along with Dr. Alain Beaudet, president of the Canadian

Institutes of Health Research, CIHR, announced that CIHR was ready to accept proposals for the Phase I/II for clinical trials on CCSVI. Based on the advice of the Scientific Expert Working Group on CCSVI concerning the terms of reference for this research, CIHR formally opened the request for proposals on November 30, 2011.

Honourable senators will be pleased to note that this research is a collaborative initiative between CIHR and the Multiple Sclerosis Society of Canada. The MS Society has told us they support further investigation of CCSVI and are co-funding the study.

Rigorous investigation is the only appropriate response with any new medical procedure. This is difficult for many, particularly with a disease like MS. However, patient safety must not be compromised. Nevertheless, the principles of disciplined scientific investigation cannot be cast aside despite how much we and MS patients might like to see the Zamboni procedure endorsed today. That would not be sound medical practice, nor would it be fair to MS patients. We must be certain that the benefits outweigh the risks. A clinical trial is the first step.

Clinical trials seek evidence on patient outcomes. The main objective of the forthcoming Phase I/II trial will be to determine whether the angioplasty procedure on veins is safe and effective.

It is important to note that venous angioplasty, unlike arterial angioplasty, is not common practice and there is, as yet, no unequivocal scientific evidence that the Zamboni procedure is safe and effective. Phase I will determine whether it is safe. Phase II will determine whether it is effective.

First and foremost, we need to ensure patient safety. In pursuing this trial through CIHR, the government is following the advice provided by the Scientific Expert Working Group.

• (1430)

Bill S-204 also calls for the establishment of an expert advisory panel to advise the minister on the CCSVI treatment, identify criteria for clinical trial research proposals, and advise on the standards for diagnosing and treating CCSVI.

This scientific expert working group reviewed the studies of CCSVI published between 2009 and 2011. These scientific experts recommended the launch of a request for applications — RFA — for a clinical trial and provided terms of reference to guide that research.

Bill S-204 also speaks of the expert advisory group advising the government on CCSVI treatment standards. The scientific expert working group and Imaging Working Group have already been doing some of this work. The Imaging Working Group met last fall to determine the best procedures to standardize imaging of veins in the neck and brain. These standardized ultrasound methods will ensure consistent assessments of the presence of CCSVI in clinical trial participants.

In brief, honourable senators, CIHR's scientific expert working group is already advising the federal government on how best to proceed with regard to CCSVI and MS patients. Why legislate

this process when a CIHR scientific expert working group has already been reviewing evidence on CCSVI from around the world for some time now?

I would also point out that these MS initiatives have been supported by a wide range of stakeholders besides the MS Society of Canada. The MS Society has applauded the spirit of collaboration between the federal, provincial and territorial governments and continues to support work in this area.

As we continue to look at this bill, we see that it would require that the government track individuals who have received the Zamboni treatment for CCSVI. Here again, honourable senators, the government has been out front on this issue.

In March of this year, the Honourable Leona Aglukkaq, Minister of Health, announced the creation of a Canadian multiple sclerosis monitoring system. This system will gather and share new knowledge around the use of MS treatments across Canada and on their long-term outcomes. This information will prove to be useful for Canadians living with MS, for the health care professionals who manage their care, and for the researchers who are tirelessly working toward a better understanding of this debilitating disease.

The system, which will measure the benefits and monitor the risks, will be developed by the Canadian Institute for Health Information in collaboration with the Canadian Network of Multiple Sclerosis Clinics and the MS Society of Canada.

The Canadian Institute for Health Information, or CIHI, is an independent organization that analyzes information on the health system and the health of Canadians. This partnership with the Canadian Network of Multiple Sclerosis Clinics will allow for the collection of information from Canadians with MS on a voluntary basis.

It is estimated that the 22 member clinics of the Canadian Network of MS Clinics reach approximately 80 per cent of Canadians living with MS. Imagine the power of this tool to help patients, caregivers and researchers.

With information collected by the monitoring system, CIHI will produce reports on the status of MS and its treatment in Canada. I would like to point out that these initiatives are taking place at the national, pan-Canadian level and in close collaboration with provinces, territories and stakeholders. This speaks volumes about Canadians and how Canada works.

The bill before the chamber also calls for a conference of provincial and territorial ministers to develop a national strategy. Collaboration and dialogue have been at the centre of the government's approach on this issue from the outset. For example, the clinical trial announcement was made by Minister Aglukkaq at the federal, provincial and territorial health ministers meeting in Halifax on November 26, 2011.

Honourable senators, CIHR is committed to working with the provinces and territories as it moves forward with the trial.

The Deputy Minister of Health for Manitoba participates in the scientific expert working group as the provincial-territorial observer. We see similar collaboration within the emerging monitoring system.

CIHI is consulting with provincial and territorial governments, clinicians, technical experts and those with MS from across Canada to ensure the monitoring system's effectiveness and efficiency.

The Minister of Health has shown leadership every step of the way on this file, honourable senators. She has reached out to the MS Society of Canada and consulted with her provincial and territorial counterparts. Like us, and her fellow ministers of health in the provinces and territories, the minister is working to find the best way of moving forward and responding to the needs of those Canadians living with MS.

The government has already acted on the key elements of this bill. We have proceeded with prudence and caution. We have and are relying on the best available scientific evidence. The safety of Canadians is our foremost concern.

As it stands today, the research evidence on CCSVI is mixed. We have put in place the steps to support ethical research, grounded in international standards of excellence. The researchers will need to receive ethics approval from relevant institutional research ethics boards before conducting the trial. The funds will be released and the study will begin if and when ethics approval is granted.

Like all Canadians, we are seeking to better understand the impact this procedure might have on the quality of life of MS patients. We have taken these steps in open dialogue with the provinces and territories. That is why Bill S-204 is unnecessary; it would legislate a scientific and medical issue for which we already have a collaborative system in place.

To quote Dr. Beaudet: "Parliament cannot legislate science."

We in this Senate need to consider the implications of such legislation. Do we want to begin legislating when extensive action is already well under way? We need to use our legislative power prudently or risk diluting its value.

In brief, the government has a plan of action and through federal leadership, funding and collaboration, it is moving that plan forward. Canada is the only country to take on such a trial, demonstrating the government will to do everything it can to give MS patients the answers they need and deserve regarding CCSVI.

Unfortunately, this bill would neither contribute to those answers nor improve the processes already under way to further our understanding of MS and CCSVI.

Therefore, while I understand the goodwill and intentions behind Bill S-204, I cannot support it. Thank you.

The Hon. the Speaker pro tempore: Are there questions or further debate?

Honourable senators, this matter had been standing in the name of Honourable Senator Carignan, who is not here. Is it with your permission, honourable senators, that this matter be adjourned in the name of Honourable Senator Carignan?

Some Hon. Senators: Question.

• (1440)

The Hon. the Speaker pro tempore: Are honourable senators ready for the question?

Hon. Senators: Question!

The Hon. the Speaker pro tempore: It is moved by Honourable Senator Cordy, seconded by Honourable Senator Peterson, that Bill S-204, An Act to establish a national strategy for chronic cerebrospinal venous insufficiency (CCSVE), be read a second time.

Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

(Motion agreed to and bill read second time.)

REFERRED TO COMMITTEE

The Hon. the Speaker pro tempore: Honourable senators, when shall this bill be read the third time?

(On motion of Senator Cordy, bill referred to the Standing Senate Committee on Social Affairs, Science and Technology.)

PURPLE DAY BILL

SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator Mercer, seconded by the Honourable Senator Day, for the second reading of Bill C-278, An Act respecting a day to increase public awareness about epilepsy.

Hon. Judith Seidman: Honourable senators, I am pleased to speak to Bill C-278, concerned with the promotion of public awareness about epilepsy. This bill was introduced in the other place by the member for Halifax West and in the Senate by the Honourable Senator Mercer. I would like to thank them both for bringing it forward.

The speed with which this bill has progressed in the other place and obtained unanimous support throughout is a testament to its importance. It calls on the federal government to officially establish a day every year on which Canadians can show their support for people living with epilepsy. This day for epilepsy awareness, Purple Day, will fall on March 26 of each year.

To begin my remarks today, I would like to recount the history of this bill and describe the origins of Purple Day as we know it.

The inspiration for Purple Day came from the personal experiences of a young Canadian named Cassidy Megan. Cassidy lives in Halifax, Nova Scotia. She was very young when she had her first epilepsy episode, which would be a frightening experience for anyone. Dealing with her epilepsy led Cassidy to

ask questions about the struggles she faced and how they could be better addressed. This experience motivated her to create the idea of Purple Day in 2008, with the goal of getting people to talk about epilepsy.

For Cassidy and many others, it is an effort to dispel myths and to inform those with epilepsy that they are not alone. This turned into an initiative to launch Purple Day internationally so that everyone would better understand the challenges of living with this disorder. Since the beginning of this initiative, Cassidy's story has had a remarkable impact. Her efforts to have this day established should be applauded.

Cassidy and all Canadians living with epilepsy deserve our support. As parliamentarians, we can set an example for the rest of the world to follow. This year, Purple Day events and other awareness-raising activities were promoted on a national and international scale. Schools, businesses, celebrities and organizations helped recognize the day through events and activities worldwide. In Canada, members of Parliament wore purple ribbons to show their support.

This bill will lend further support to these events by truly making Purple Day official. On this day, Canadians will be encouraged to wear purple to show their support for people living with epilepsy and draw public attention to the cause. Purple Day coincides with the time of year when spring is just under way and a sense of hope and renewal is in the air. Fittingly, the colour purple is associated with lavender, a flower which is internationally recognized as a symbol for epilepsy. Lavender represents feelings of isolation and reminds us of the solitude and stigma many people affected by epilepsy and seizure disorders often experience.

By establishing Purple Day, Bill C-278 gives epilepsy a public face. It helps us, as a society, to better understand this disorder and its impact on the lives of Canadians. Therefore, in the spirit of awareness and understanding, I would like to take some time to speak about epilepsy itself.

Honourable senators, epilepsy is a common and diverse set of chronic neurological disorders characterized by seizures. Epilepsy affects more than 50 million worldwide. In Canada, epilepsy is far more common than most of us realize, affecting about 0.6 per cent of the population, with more than 15,000 people diagnosed each year. Currently, about 300,000 Canadians live with epilepsy.

In 50 to 60 per cent of cases, the cause of epilepsy is unknown. In the remainder, the most common causes are malformations during brain development, a head injury that causes scarring to the brain tissue, high fever and prolonged convulsions during early childhood, trauma at birth, a stroke or tumour. Epilepsy can occur at any age. However, 30 per cent of all new cases every year are in children. For about half of those diagnosed with epilepsy as children, their seizures will simply disappear over time. It is also important to note that the number of new cases per year is higher in people over the age of 65.

The word "epilepsy" is derived from the Greek word meaning "a condition of being overcome, seized or attacked." Epilepsy is characterized by sudden, brief, recurring seizures that range from

mild to severe and which may cause loss of consciousness. These seizures are brief disturbances in the normal electrical functions of the brain.

There are social and personal challenges associated with epilepsy. These include physical hazards related to unpredictable seizures, social exclusion and other forms of stigma. Social stigma may also affect a person's decision to report seizures or to seek treatment, and because of this, the number of people affected with epilepsy may even be higher than reported.

We know that there is no cure for epilepsy. However, there are medications and other treatments, including surgical intervention, that can help manage seizures. Successfully managing these seizures can have a significant impact on quality of life, including participation in community, school, employment and leisure activities. Treatment support systems are also critical. Many national and provincial organizations provide information and support for Canadians living with epilepsy, their families and their caregivers.

With increased awareness, we can improve the lives of Canadians living with epilepsy. Raising awareness about this disorder is an important component in confronting its challenges. I am pleased to note that there is considerable momentum on this front. The Epilepsy Association of Nova Scotia joined the Purple Day campaign in 2008, and since then, support has been growing. In fact, all initiatives we are seeing are in line with global action on this issue.

For instance, the Canadian Epilepsy Association is now working to have Purple Day endorsed by the World Health Organization and the United Nations. Last year, the Minister of Health recognized March as National Epilepsy Month. Communities across the country are also taking action. They are raising awareness, not only about the disorder, but about preventing injuries that can cause epilepsy. These gestures are important steps towards raising awareness and improving the quality of life for Canadians living with epilepsy.

Purple Day encourages people to talk about epilepsy and to understand the challenges faced by people living with this disorder. By supporting this bill and by officially recognizing Purple Day, we help to further this understanding.

Honourable senators, Bill C-278 builds on a number of federal initiatives in Canada. Research is providing hope and helping us to better understand this disorder and its treatments. Neurological Health Charities Canada is a coalition of 25 organizations supporting education and research related to brain health. In partnership with the charities, the Government of Canada has invested \$15 million over four years in the National Population Study of Neurological Conditions. This partnership has undertaken important work to help us best understand the needs of those living with neurological diseases and disorders, including epilepsy.

Among the coalition's member organizations is the Canadian Epilepsy Alliance. This alliance is a Canada-wide network of community organizations that promote independence and quality of life for people with epilepsy and their families. In partnership with the federal government, these charities are sharing

experiences about the impact of neurological diseases and disorders so we can begin to understand, for example, common risk factors.

• (1450)

The National Population Health Study is actually composed of a suite of separate studies. The information obtained will help fill knowledge gaps on disorders such as epilepsy and will help us better understand how these disorders impact everyday experience. This National Population Health Study also includes information about how neurological disorders like epilepsy impact Canadians in their homes. This focus on daily living will help us identify the needs of families and caregivers.

Teams of researchers across the country are working together to conduct these studies. We know that research partnerships like this one have the potential to address real challenges and inform future decisions and preventive actions while providing comprehensive information.

In addition, the Canadian Institutes of Health Research, CIHR, is also working to fill knowledge gaps regarding epilepsy. Through CIHR, the Government of Canada has invested more than \$46 million in epilepsy research since 2006. In 2009-10 alone, spending on epilepsy research was \$7.8 million.

CIHR also supports a range of partners in promoting the development of innovative research at leading post-secondary institutions in Canada. For example, they are supporting McGill University's Montreal Neurological Institute and Hospital in its research examining the link between brain disorders and epilepsy. It was the founder of the Montreal Neurological Institute, MNI, Dr. Wilder Penfield, who in the 1950s developed a surgical treatment for epilepsy known as "the Montreal procedure" that is now a worldwide standard. This procedure and all the surrounding techniques in epilepsy surgery were later perfected at the MNI by Doctors William Feindel and André Olivier, among others.

I worked at the Montreal Neurological Institute as a research fellow for many years in my previous professional life. It was at the MNI that I discovered first-hand the challenges that many chronic neurological diseases and disorders such as epilepsy present in the daily living experience, as well as the burdens placed on families and caregivers. It was there that I first saw the truly remarkable epilepsy surgery that would provide so much hope for those living with epilepsy. It was also there some years ago where I developed one of my first research projects to evaluate psychosocial outcomes, scientifically; in this case, surgical intervention for seizures.

In addition to the research being done at McGill University's Montreal Neurological Institute, CIHR is also supporting other important work that examines the role of genes in epilepsy at the University of Toronto's Centre for Research in Neurodegenerative Diseases. Both these research initiatives at McGill and the University of Toronto aim to improve diagnosis and to further the development of better treatments.

In June 2011, CIHR provided funding for the Brain Connectivity Workshop in Montreal. This workshop brought together leading international experts on brain development,

epilepsy and neuroscience to exchange knowledge and contribute to a shared understanding of disorders such as epilepsy.

Honourable senators, partnerships and initiatives such as these will strengthen Canadian research in neurology. Strong research will make valuable inroads toward a better understanding of epilepsy, its causes and possible interventions to improve the quality of life of those living with epilepsy. Working hand in hand with all our partners, the Government of Canada is already raising awareness while contributing to research.

I would like to focus on one more topic of great importance in this discussion: the role of prevention in injury and safety, an area where the federal government has chosen to place an increased emphasis. The federal government and its partners know that unintentional injuries are, in fact, the leading cause of death for children and youth. Many head injuries that in severe cases could result in seizures and epilepsy arise from sport and recreation activities. There is much we can do to reduce these risks.

The Government of Canada has developed an initiative called "Active and Safe" to address injuries among children and youth. This is an important investment in prevention. Through it, the government has provided \$5 million to enable community-level action on sports and recreation safety awareness. This funding will support activities to prevent concussions, drowning and severe fractures.

Honourable senators, I believe the initiatives and support I have described are steps in the right direction. However, we still have much to learn about neurological diseases and disorders like epilepsy. The Government of Canada will continue to work with partners to build understanding and raise awareness. Many organizations and volunteers are working to improve the quality of life for those living with epilepsy and their families right across the country.

Yet we all have a role to play. Now, I hope that every one of us here in this chamber will support this bill.

In closing, I would like to repeat the words of Cassidy Megan about the importance of Purple Day:

I started Purple Day because when I first found out that I had epilepsy, I was afraid and embarrassed of what other people would think. I also thought I was the only kid in the world with epilepsy. I wanted to have one day where everyone in the world could show support for people with epilepsy and teach people about it. Educating people about epilepsy is so important because people need to know what to do if they see someone having a seizure. They need to know that there are different types of seizures, and that they don't have to be afraid of epilepsy or the people who have it. Education also helps people with epilepsy know they aren't alone. Since I started Purple Day, I feel special in a way, because I am helping people around the world. I don't feel alone, scared or embarrassed anymore.

Honourable senators, let us give a clear sign of our support to Cassidy Megan and those living with epilepsy by unanimously supporting Bill C-278 to establish March 26 as Purple Day.

The Hon. the Speaker pro tempore: Further debate? Are honourable senators ready for the question?

Hon. Senators: Question!

The Hon. the Speaker pro tempore: It was moved by the Honourable Senator Mercer, seconded by the Honourable Senator Day, that Bill C-278, An Act respecting a day to increase public awareness regarding epilepsy, be read a second time.

Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

(Motion agreed to and bill read second time.)

REFERRED TO COMMITTEE

The Hon. the Speaker pro tempore: Honourable senators, when shall this bill be read the third time?

(On motion of Senator Mercer, bill referred to the Standing Senate Committee on Social Affairs, Science and Technology.)

CRIMINAL CODE

BILL TO AMEND—SECOND READING— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Runciman, seconded by the Honourable Senator Di Nino, for the second reading of Bill C-290, An Act to amend the Criminal Code (sports betting).

Hon. George Baker: Honourable senators, I will not delay the proceedings today at all. I have been asked to say a few words concerning this bill.

I certainly support the previous bill introduced in the name of Senator Runciman as it relates to the prizefighting bill. I support Senator Campbell in his remarks and the way he put it to the chamber: to correct "antiquated rules" in our law. This particular bill now under discussion, which hopefully will go to committee following this proceeding, is similarly named.

Senator Mahovlich is famous in the world. Even today when you go anywhere internationally, people ask if you know Senator Mahovlich. The same is true for Senator Demers. I was recently in China with him, and we were at a restaurant with the Deputy Minister of Economic Development, as I recall. A lady approached me and asked if that was Mr. Demers — right out of the blue. That is how well known he is. Of course, Senator Larry Smith is a great football player — a running back that all Canadians respect for his athletic ability. They will be interested in this bill which is before the Senate.

• (1500)

Honourable senators, in my brief remarks, let me say that this will change the entire picture of sports in Canada forever. Honourable senators know that it is against the law to bet on a

game everywhere in North America, except in the State of Nevada. One cannot bet on a hockey game or a football game unless one does it illegally in Canada and the United States. The one legal alternative is to go to Las Vegas in the State of Nevada. However, it is estimated that \$10 billion to \$30 billion a year is spent betting on players and outcomes of games in Canada. Therefore, the movers of this bill hope that, by legalizing it in Canada, money will come back to the organizations running those sports in Canada under the auspices and regulatory authority of the provincial governments.

To illustrate how huge this is, honourable senators, there is but one place you can go in North America to bet on a football game taking place in New York. Yes, people go to New York to see a football game, but where do they go to bet on it? They go to the west coast of the United States to Las Vegas, Nevada, and walk into a casino. Every casino in Las Vegas has a sign that says "Sports books." When one walks through that casino door, one sees 100 television screens, very plush chairs and free booze and food. People go there to bet on a sporting event, and not necessarily a professional event. This past month, \$1 billion was the take for those organizations in Las Vegas, not only in the casinos but also in bars, clubs and so on.

Today, it is illegal in the United States and Canada to bet on individual sporting events, although \$10 billion in Canada is spent illegally on the Internet betting on those various events.

Honourable senators, Bill C-290 is the creation of Mr. Joe Comartin, NDP Member of Parliament. It passed in the House of Commons, apparently with the unanimous consent of all parties. However, it is strange that certain members on this side of the chamber in the Senate have received letters from MPs who say they do not agree with the bill. Yet, they did not speak to the bill in the House of Commons and they did not vote against it. They are hoping, however, that the Senate will somehow reflect their feelings on the bill. I would suggest to the steering committee that we should call these members of Parliament as witnesses before the Senate committee, if they so desire. We do not want to embarrass them or get them into trouble with their leadership, but simply to give them the opportunity to appear before the committee.

Bill C-290 has only two clauses. It removes section 207(4)(b) of the Criminal Code, which says one cannot bet on a single sporting event. The penalty is an indictable offence, carrying a mandatory minimum sentence. The provision that we are dealing with today dates back to the turn of the previous century, to about 1892 when the Criminal Code of Canada came into play and Sir John Abbott was the Prime Minister.

Senator LeBreton will be interested to know that Mr. Abbott was a member of the Senate and the house leader in the Senate. He was not elected, but he was the Prime Minister. In fact, he was the first of a couple of prime ministers of Canada who were house leaders in the Senate. I think Senator LeBreton would make a great prime minister for Canada in the event that the Prime Minister wished to step down. As some honourable senators are aware, Sir John A. Macdonald, who was in office at the time, had passed away and Senator Abbott assumed that position for at least two years.

The Criminal Code of Canada came into being then and the first mandatory minimums were brought in by the previous government, which was a Liberal administration. As honourable senators are aware, these are the very sections that we propose to change today.

I read the short debate on this bill in the other place. Mr. Comartin, who was the mover of the bill, is a man of great knowledge with a great legal mind. However, he was unable to answer this question: Why does the bill propose removing only a part of this so-called antiquated section of the law? The other part of the law says that it is illegal to conduct three-card monte, punch board, dice games — which is craps — or a single sporting event. The question was asked of Mr. Comartin why he was not proposing to remove three-card monte. He did not know what it was.

From a place of sober second thought, honourable senators, allow me indirectly to inform him that in three-card monte a person comes up to the table and has to guess which card is the ace or other designated card as the person who is trying to take one's money quickly moves them around. Otherwise, the game can include a shell with a marble underneath.

The Criminal Code of Canada defines “three-card monte.” Six sections between sections 201 and 207 of the Criminal Code deal with only three-card monte. Honourable senators, this interested me, being somewhat a student of case law. I recall a case from many years ago, *R. v. Rosen*.

In 1920 the superior court in Quebec was called the Quebec Court of King's Bench, and they had to adjudicate on whether three-card monte was a game of chance, a game of mixed chance and skill, or a game of skill.

• (1510)

In those years judges did not provide an English and French version of their decisions. Each judge declared their opinion in whichever language they so wished. There were five judges in that case, three French and two English, and they came to the unanimous decision that three-card monte, or *bonneteau*, which is the French name for the game, was in fact a game of skill, not a game of chance at all and not against the law at all. In France, under French law, it is considered to be a game of chance. However, they were dealing with the English criminal law and they determined that *bonneteau* was a matter of the quickness of the eye versus the rapidity of the hand and was therefore not a game of chance at all.

Yet, we see in the Criminal Code that three-card monte is a game of chance and that if you play it you will be subjected to punishment for an indictable offence with a minimum sentence of 14 days in jail for the first offence and 30 days in jail for the second offence. That is three-card monte. Why did the mover of this motion not just remove this antiquated section about three-card monte?

The game of craps, of throwing dice, is also an indictable offence in Canada, as is punch board. Some of you may not be aware of the game of punch board. I did not grow up in Canada; I was in Newfoundland. I am that old. I remember that practically every corner store had a punch board. You paid your money and

took your chance at what was punched out. It was illegal in Canada at that time. It was an indictable offence and it remains an indictable offence today.

Much time was spent years ago determining whether the so-called game of the stock market, bonds and debentures, was in fact a game of chance and whether it should be illegal. I believe that for people who play the stock market for the long run it is a game of skill. If you are a day trader and you sold short on Apple stock three weeks ago, then you took your chances and you lost. However, people who look at the Fed, at the European crisis or at the IMF are playing for the long run, and to me that is a game of skill.

I raise that because we took care of that in the Criminal Code. In the concluding paragraph of section 206, which deals with games of chance, we made an exception for the trading of stocks, debentures, bonds and other securities.

For the ordinary poor guys who play craps, three-card monte or a shell game on the street corner, that is an indictable offence, while the stock market is excluded from that section of the Criminal Code.

The bottom line, honourable senators, is that a massive change is about to take place in betting in Canada. The provinces will decide, upon the passage of this bill, how this will operate. A person will be able to bet legally on a game that is taking place, on how many goals or touchdowns a player will get. The world will change in that area.

Also, people in the United States who wish to do distance betting will be able to take advantage of the system that will be in effect in Canada. They will not have to go all the way to Las Vegas to bet on a game.

I leave it to the committee to examine the bill with sober second thought. With those few words, I thank honourable senators very much.

(On motion of Senator Doyle, debate adjourned.)

NATIONAL FLAG OF CANADA BILL

SECOND READING—DEBATE ADJOURNED

Hon. Pamela Wallin moved second reading of Bill C-288, An Act respecting the National Flag of Canada.

She said: Honourable senators, it is a pleasure to rise today at second reading to speak in support of Bill C-288, an act respecting the national flag of Canada, and this is true in every sense of the world.

This bill was introduced in the other place by my friend and honourable colleague John Carmichael, the member of Parliament for Don Valley West in the great Ontario city of Toronto, a city that is, I might mention, some 2,900 kilometres east of Wadena, Saskatchewan.

Regardless of where we call home, this bill matters to us all. Its purpose is to encourage all Canadians to proudly display the national flag of Canada in accordance with flag protocol. You

might ask why such legislation is needed. Surely one would assume that Canadians can hoist their flag and fly it without legislation enabling them to do so. Honourable senators, if only that were true. It seems that some of our laws did not keep up with modern times.

The fact is that a great many Canadians, an ever-increasing number of Canadians, live in apartment buildings, condominiums or other divided co-ownership or multiple residence buildings or in so-called gated communities, and often those in control of these residential buildings or communities impose rules that limit external displays of any kind, including the flying of our national flag.

Perhaps it is the law of unintended consequences because, while we can understand the need to ensure that displays are tasteful and considerate of the views of others, surely there was no intent to limit simple displays of patriotism. However, it seems that some have interpreted the rules that way, and people were asked to take down their flags. This has actually happened. It has even happened to Canadian war veterans, who, perhaps more than most of us, appreciate what our flag stands for. It is, after all, the flag under which they have fought and for which they have volunteered to put their lives on the line.

Honourable senators, this is why I support this bill. Canadians should be able to fly their country's most powerful symbol and to do so on Canadian soil anywhere, particularly at their homes. As amended at committee in the other place, this legislation simply means no one can be prohibited from flying Canada's flag at home.

• (1520)

What it does is explicitly encourage those who own or manage shared or joint property to allow residents and property owners in buildings under their control to display our national flag — so long as it is in accordance with flag protocol — and this is an important caveat.

With this legislation in place, residents wanting to display the flag will at least be able to show that the Parliament of Canada supports the flag of this country being flown. It may, one hopes, actually encourage a change of rules to permit flag flying, and that might happen sooner rather than later. This is a hopeful, not a coercive approach. That is why I hope all honourable senators will support this bill, as a way to promote a change in attitudes among those who, at present, prevent other Canadians from flying their flag.

Honourable senators, this bill is an important step in the right direction, and I humbly ask for and encourage your support, because it will mean a lot to the hundreds of thousands, indeed, millions of Canadians living in apartments, condos and other such places where rules are preventing them from flying the flag.

As I mentioned, our flag is a powerful symbol. I was quite young during the great flag debate of 1964, but I remember it because it sparked debates at supper tables right across the country, including my own. There were many competing designs at the time, including the venerable Red Ensign, which had been

the de facto Canadian flag for such a long time. For weeks on end, passions flared in Ottawa and everyone with an opinion was a proud Canadian. Indeed, although the opinions differed greatly and the debate was heated, those holding these differing views were united in one way: they were all showing their passion for Canada and its symbols.

In the end, one flag design was chosen: the red maple leaf flag. This was the flag that was raised over the Peace Tower and elsewhere across Canada on the freezing and overcast morning of February 15, 1965. It is the flag that still flies over this building and across Canada today — our familiar red maple leaf, which proudly and unequivocally says “Canada” no matter where it is seen in the world or by whom.

As honourable senators can imagine, I went back and did some reading on this. If you allow me just a moment, it was fun to take a look through the debates of the time and some of the reportage to recount a bit of the history. The following words were spoken on the momentous day when the new flag was raised by the Speaker of the Senate. It added further symbolic meaning. This was the statement:

The flag is the symbol of the nation's unity, for it, beyond any doubt, represents all the citizens of Canada without distinction of race, language, belief or opinion.

The search for the new flag had actually begun in earnest in 1925 when a committee of the Privy Council began to research possible designs, but that work was never completed. Later, in 1946, a select parliamentary committee was appointed with a similar mandate. It called for submissions and received more than 2,600 designs. Still, the Parliament of Canada was never called upon to formally vote on a design.

Early in 1964, Prime Minister Pearson informed the House of Commons that the government wished to adopt a distinctive national flag. The 1967 centennial celebration of Confederation was approaching and so a Senate and House of Commons committee was formed and submissions were called for once again.

The committee eventually decided to recommend the single leaf design, which was approved by a resolution of the House of Commons on December 15, followed by the Senate on December 17, 1964, and proclaimed by Her Majesty Queen Elizabeth II, Queen of Canada, to take effect on February 15. However, on the afternoon of a Friday in the late autumn of 1964, there was an urgent request from the Prime Minister's office to the desk of Ken Donovan. Mr. Donovan was then an assistant purchasing director with the Canadian Government Exhibition Commission, which later became the Department of Supply and Services.

The Prime Minister wanted prototypes of the new flag to take to his new residence at Harrington Lake the next morning. The proposals included the single maple leaf design. The only design samples were on paper and there was a bit of a panic. Mr. Donovan and his team of designers were called upon to do the impossible. No seamstress could be found and so the flags were stitched together eventually by young Joan O'Malley,

daughter of Ken Donovan. During the ceremony celebrating the thirtieth anniversary of the flag, she recounted her experience, saying:

I really didn't realize what I was getting into when I got that phone call from my father in 1964. I was just doing my father a favour; not participating in history. Let me tell you, I don't think of myself as the Betsy Ross type.

Some of these bits of history were quite interesting and it was a quite a time in our nation's history.

Indeed, by the early 1970s, it was already the case and a given that some American college students travelling the world were beginning to sew the Canadian flag on their back packs, because it would make them more welcome than if they showed up with the Stars and Stripes.

Each and every year thousands of people from around the world choose our country, our values and our way of life, and they choose the flag that represents all that.

I recently attended a citizenship ceremony with a friend of mine and her young daughter. It was a potent reminder of what citizenship means. The tears do, indeed, well up when one watches a room full of new Canadians sing our national anthem and pledge their allegiance to this country while clutching these small Canadian flags in their hands. It is something that every Canadian fortunate enough to be born here should do — to attend such a ceremony — to be reminded of how fortunate we are and, for a brief moment, to see ourselves through other people's eyes.

I have had the great good fortune — raised as the daughter of a vet — to be part of many a November 11 ceremony and to hear the stories of the power of these iconic symbols to a fighting force huddled in the trenches in a foreign land. Then, over the last several years, I have had the chance to witness first-hand that flag flying with our Canadian Forces in Afghanistan and to learn what that means to a new generation of fighting forces. These brave men and women at work are fighting terrorism, fighting insurgency, fighting to build and repair the schools and the dams, fighting poverty and despair by helping Afghanistan build and rebuild its institutions, and fighting for Afghans to help them rebuild their sense of hope; and, of course, as we do today so effectively, working to train Afghan soldiers and police to defend their own country under their own flag.

Canadian flags also bring tears to the eyes of many at more joyful events like hockey games, baseball games or curling matches. We have all been proud to see this flag represent our athletes at the Olympics and at other prestigious and elite competitions around the world, including at international hockey series.

Honourable senators, we on this side of the Senate support this legislation and we believe that those on the other side support it, too, as did your colleagues in the other place. I ask you for your support that we might pass this bill as soon possible.

I know that Your Honour has a great interest in protocol issues and I would welcome your insight and input on this discussion.

This bill is aspirational — there is no enforcement intended. We just want to help establish the right of Canadians to fly their flag. If this chamber can in any way encourage more flying of the Canadian flag, and if we raise the spirits of Canadians by encouraging a change of the rules to permit them to do so, it will be a just and worthy act.

[Translation]

Hon. Roméo Antonius Dallaire: Will the honourable senator take a question?

[English]

Senator Wallin: Absolutely.

[Translation]

Senator Dallaire: Honourable senators, there are two components. The first is the history of the flag, which the honourable senator recounted and which I was delighted to hear. It can also be found in the book *Canada's Flag*, which was written by Judge Matheson, who is also a veteran. He was a gunner and was injured during World War II. He is still alive today and is certain to feel honoured by her words.

• (1530)

I will be sure to tell him.

If I recall correctly, it was Sheila Copps, the minister sat the time, who required all federal buildings, every park, every building, every parking lot across the country to fly the Canadian flag. Flags were hung everywhere. Tons of flags were handed out across the country to show that the federal government was there.

This bill encourages Canadians to display the national flag on their home, their personal property and their buildings, and I must say I think that it is a great idea.

However, while this bill encourages the federal government and individuals to fly the flag, the provincial governments are being excluded. It would be nice to see schools across Canada flying the Canadian flag next to the provincial flag, since education is a provincial jurisdiction.

I would like to know whether the members of Senator Wallin's party have discussed the possibility of displaying the Canadian flag at provincial public institutions.

[English]

Senator Wallin: To my knowledge, going through the discussion at committee and reading some of the testimony, it was not a big issue. I think everyone realized that those are decisions provinces would have to make regarding how they would want to behave. They do all fly their flags over their own provincial buildings, and they do so in conjunction, in most cases, with the federal flag.

In this particular kind of bill, what we are trying to do is encourage people to allow others to do what they think is the right thing. This does not just apply to building owners or condo

managers or whatever it would mean. It would also signal our intent to others, including the provinces, as the honourable senator suggests, that we think it is a good thing to fly these flags, whether in tandem or however they choose to display their provincial flags alongside the federal.

Senator Dallaire: My question is exactly along that line. Since it is not coercive and we will not throw them in jail if they do not do it, nor are we planning to throw in jail anyone who prevents that from happening, it might have been an opportunity to nudge the provincial institutions to show that same example that we are asking of our citizens, at their level, to take on that responsibility.

Is the honourable senator confirming that that dimension was never in the debate at the introduction of this bill?

Senator Wallin: As I understand it, the inspiration for this bill really came from the requests of Canadian citizens. Several veterans came forward to members of Parliament, Mr. Carmichael in particular, and said they had been asked to take down the flags on their homes, homes they own, even though it might be in a condo setting or a gated community. The inspiration came from individuals. I think it would be fair to assume that provincial governments, much like the federal government, of course, want to fly their flags as a show of patriotism and pride.

Senator Dallaire: The reason I bring this to the honourable senator's attention is that Quebec City, when I was commanding the garrison, got into quite a row with the mayor, who was of a nationalist position. Of the flags on the three masts outside City Hall, the Canadian flag was taken down when he took over. Every day veterans went to City Hall, raised the Canadian flag and stood there all day, for weeks on end, because of this position taken at the municipal level.

Perhaps an opportunity has been lost to nudge those who actually do not want that to happen, and to perhaps encourage them. I very much support the bill. However, coming from a province where this issue is significant in a debate, I feel that we have missed the opportunity to break that code.

Senator Wallin: The honourable senator has quite eloquently made the case that for this particular bill we do not want to take that coercive approach. If you have to get into that, you will be going down a different road. This bill would be to signal our belief and our intention, in support of those very veterans who stood there, that this is the right thing to do.

Hon. Joseph A. Day: Honourable senators, I have a question of the honourable senator. First, I would like to thank Senator Wallin for her speech and her words, which I accept and support in relation to the importance of the flag as a symbol for Canadians.

I have had an opportunity to look at the bill, which has only three clauses. I would like to talk about those clauses. First, permit me to provide a bit more historical background to the 1964 decision to adopt the current Canadian flag.

I had known very well now-deceased Dr. George Stanley, who was Dean of Arts at the Royal Military College at the time. He was the individual who made the submission. In fact, what had

happened is that the committee was looking for submissions on different designs for the Canadian flag, and John Matheson, subsequently Judge Matheson, was chosen by Prime Minister Lester Pearson to be the chair of the committee that led the debate. Judge Matheson, as Senator Dallaire indicated, continues to live in the Kingston area and would tell you this story.

Judge Matheson and George Stanley were walking across the parade square at the Royal Military College. They looked up at the Royal Military College flag and said, "There is the inspiration for your Canadian flag."

That, in fact, was the inspiration. Honourable senators can see that what has changed between the Royal Military College flag and the flag of Canada is the symbol in the white part in the centre. The crest of the Royal Military College is removed and the red maple leaf appears. I think that is important to have on the record when we are providing historical significance to the Canadian flag.

With respect to this bill in particular, my question arises from the honourable senator's description of this bill as "aspirational." I am thinking back to Senator Banks and the very good work he did in having us look through the books and the records of acts and regulations of Canada that have become irrelevant and that really do not achieve anything. The inspiration for this particular bill, as I understand it from the honourable senator's submission, was that certain veterans and individuals in Canada were not able to display the flag when they felt they would like to.

My question is, first, does this bill achieve that objective?

• (1540)

The first paragraph of this bill indicates the name of it shall be cited as the "National Flag of Canada Act." Paragraph 2 talks about how all Canadians are "encouraged" to display. Paragraph 3 says the owners of gated communities and multi-residential buildings are "encouraged" to allow individuals to display the flag.

Is that the kind of statement that we should have in a bill of the Government of Canada that will be in the books of the statutes of Canada? Should this rather be more in the form of a motion that we would encourage?

When we are talking about bills that are intended to become statutes of Canada, is it appropriate to use language like "encourage" and only "encourage" to display?

Senator Wallin: Not being privy directly to the debates on the other side but reading the testimony that came from them, it is my understanding, and I think it was the agreement of all members in the other place, that they did not want to make this a legal requirement, that it would be against the law, that there would be charges against those who might have in some way prohibited this.

I think they felt initially that there was some tougher language, and then I think, in terms of examining this further and talking to people about it, that in many cases it was just simply a misunderstanding. In these shared living arrangements, condos and gated communities, what they did not want was gross

displays hanging somewhere, such as palm trees or cowboys riding horses or who knows what sitting out on the decks. The flag had somehow inadvertently, in many cases, been brought into this prohibition that there could be no outside displays, such as Christmas lights, and so on.

I think it was the belief of those on the other side who debated this in the other place — and they debated it quite thoroughly — that what they wanted to do when it comes to our flags, our national symbols, to acts of patriotism, to that sense of what it is to be a Canadian, is that we did not want that to be a legal obligation. We wanted that to be something that people came to through belief and understanding and from their heart, and that it would be counterproductive in some ways and not achieving the spirit of this particular bill if we tried to do it with the heavy hand and the legal hammer.

Senator Day: I thank the honourable senator for her explanation, but that makes me feel more strongly that what we should be having here is a motion of encouragement rather than a law that encourages.

The second point that I would like to ask Senator Wallin about is whether there has been any debate with respect to these two paragraphs, paragraph 2(1) and 2(2). There are only two paragraphs, and paragraph 2 has two parts in it. It is the encouragement in both part 2(1) for the individual and part 2(2) for the owner of gated communities or multi-residential buildings. Both of these encouragements are for displaying the flag in accordance with flag protocol: not capital F, not capital P, not defined. Is this something that has been debated and should we all know this is something formal that is in some other regulation, or does the honourable senator anticipate a regulation would follow?

Senator Wallin: I think there are others in this chamber, including the Speaker, who can speak more directly to the question of flag protocol. I think it is not capitalized because I do not think there is a book entitled just that, although I stand to be corrected because the Speaker might inform me of that.

I think the importance of having this as a bill as opposed to just a motion or a statement is that it would give it the weight, the moral authority and the weight of a law of this land, and that would represent the intent, I think, of both houses in this Parliament, that we want to in the strongest possible terms say how important we think this is and encourage people in the strongest possible terms to allow, in a respectful and appropriate way, the flying of the flag, but to not do that through some legal means.

I sort of have the opposite response to what Senator Day is saying: I want this to have the power of a bill because I think it sends a signal, but I think we have stepped back from trying to force patriotism onto people by having some kind of penalty imposed for those who do not oblige.

Senator Day: I thank the honourable senator for that answer. I am not convinced that with the way the wording appears here, with the small f and small p, “flag protocol,” we know what people are being encouraged to do. That is my difficulty.

Senator Dallaire: If I may, I have just one more supplemental, because of the points raised by Senator Day with regard to the origins of the flag and the indication that the origin and the colour red comes from the Royal Military College.

The three colleges that were created are the Royal Military College in Kingston, which was supported and based by the army; Royal Roads in Victoria was supported by the navy; and the one in Saint-Jean was supported by the air force. Each one of those colleges carried the colours of those services. The Royal Canadian Navy's navy blue was on Royal Roads and the Royal Canadian Air Force's light blue was on RMC Saint-Jean.

The red that is in our flag is in fact the army red serge colour. Therefore, for those who have served and for those who continue to serve, it adds an even more in-depth value to the fact that Canadian people have used the army colour to be part of the symbol of this nation, for which many have fought and will continue to fight and die and be injured under that flag.

I wanted to raise that for the record.

Senator Wallin: Regarding the comment on flag protocol, again, I think the reason it is probably not spelled out — I am speculating on this — is that there are different protocols in different situations, depending on what other flags are present and what other people are present. Of course, if it is displayed on someone's house it cannot be upside down or any of those things. I think one just has to say that as a general category. We want everyone to play by the rules and respect the flag in their flying of it and that the appropriate rules would apply depending on the circumstance, whether it is in the chamber or on someone's front porch.

(On motion of Senator Tardif, debate adjourned.)

• (1550)

RECREATIONAL ATLANTIC SALMON FISHING

ECONOMIC BENEFITS—INQUIRY— DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Meighen, calling the attention of the Senate to the economic benefits of recreational Atlantic salmon fishing in Canada.

Hon. John D. Wallace: Honourable senators, I am very pleased to have this opportunity to speak to Senator Meighen's inquiry into the economic benefits of the recreational salmon fishery in Canada.

A recent study that is highly relevant to Senator Meighen's inquiry was conducted by the Halifax firm Gardner Pinfold and sponsored by the Atlantic Salmon Federation, which I will be referring to as the ASF. This ASF study provides a detailed and comprehensive analysis of the significance and substantial value of the Atlantic salmon fishery to Atlantic Canada.

In one of his final speeches before this chamber, Senator Meighen spoke passionately and extensively to this inquiry and in particular to the research and economic analysis that is contained in the ASF study. Rather than repeat all of the details of this analysis, I would like to take a moment to highlight some of the study's key conclusions. First, the study determined that the actual value of wild Atlantic salmon spending in Canada in 2010 was approximately \$255 million, with recreational fishing contributing \$128.5 million to that amount. Also, the Atlantic salmon fishery created 3,873 full-time jobs in Canada, many of which are in rural areas where employment alternatives are limited.

These findings of the study are a significant indicator of the substantial value and importance of the recreational salmon industry in Atlantic Canada and the province of Quebec.

My honourable New Brunswick colleague across the floor, Senator Robichaud, has also spoken of the ASF study and in doing so outlined the various conservation efforts currently being undertaken by organizations in New Brunswick for the express purpose of protecting, preserving and enhancing the existing wild Atlantic salmon stocks.

Being a senator from Atlantic Canada, and more particularly from the province of New Brunswick, where the fishing industry plays such a significant role in the lives of so many, I am strongly of the belief that we must continue to do everything we possibly can to ensure that this truly iconic species, the wild Atlantic salmon, is properly and effectively protected. It is also imperative that our wild Atlantic salmon stocks be restored and, in this regard, that all required resources be made available to ensure that the Atlantic salmon population is able to recover to appropriate levels that are strong, stable and sustainable.

As Canadians, we share a natural affinity and connection with the land and waters we inhabit. We are part of our environment. From coast to coast to coast, our lands, waterways and oceans have shaped our very existence and in many ways have moulded the distinctiveness and identity we have as Canadians.

Our lands continue to be rich with wildlife and natural resources. Regrettably, however, over the years many of our natural species have been subjected to exploitation, pollution, development and careless harvesting. Indeed, and in this regard, the story of the Atlantic salmon is truly an unfortunate one. Our rivers were once so plentiful with wild salmon that they served as a vital source of livelihood throughout Atlantic Canada. For decades, however, the wild salmon have been returning to our rivers in decreasing numbers. In fact, it is estimated that during the course of the last three centuries, wild salmon stocks have decreased by approximately 90 per cent.

Honourable senators, at this point I do want to acknowledge and applaud the recent action that has been taken by the federal government in the 2012 Budget, which proposes to provide \$50 million over two years to protect wild species at risk. This is truly another step, a very positive step, in the right direction.

Within the inner harbour of the Bay of Fundy region, for example, the Atlantic salmon is one of the species considered at risk and as such remains listed as endangered under the Species at Risk Act.

The life cycle of the wild Atlantic salmon is indeed a complex and in many ways mystifying process. It is without doubt a life cycle of nature that we have a responsibility to protect.

Atlantic salmon hatch in fresh water and then spend much of their life at sea before undertaking the arduous journey back to our rivers, often to the very same rivers in which they were hatched, to begin the spawning process, a journey that can cover over 4,000 kilometres. Unlike the Pacific salmon that die after spawning, Atlantic salmon may repeat this incredible journey many times during their lifetime.

Honourable senators, although commercial salmon fishing has been closed in all Atlantic regions since the 1990s, the recreational salmon fishery certainly remains a significant economic factor as a substantial generator of employment and ecotourism in our region. While employment alternatives within many of our rural communities can at times be somewhat limited, tourism generated by the recreational salmon industry does create significant employment opportunities at fishing lodges and within the operations of equipment retailers and food suppliers. In short, this wild salmon industry has always been and must continue to remain a vital contributor to the economies and the standard of living within the rural areas of New Brunswick and throughout Atlantic Canada.

The ASF study clearly demonstrates the economic importance of the recreational salmon fishery to our region's rural economies, including those communities that border northern New Brunswick's world-famous Miramichi River.

Extending approximately 250 kilometres in length and with 37 major tributaries and over 7,700 individual streams, the Miramichi River is without doubt the perfect place to fish and experience first-hand the wonders of nature. The ASF study describes this wilderness beauty of the Miramichi River as a "sanctuary for anglers and wildlife alike."

Moreover, this truly magnificent river boasts the largest salmon runs in the world. Anglers from all over the world travel to fish the pristine rivers of northern New Brunswick and, in doing so, significantly impact our province's tourism and related employment.

The village of Doaktown, located along the banks of the Main Southwest Miramichi, is home to the Atlantic Salmon Museum, which each year welcomes over 4,000 visitors. This river region is also home to the Miramichi Salmon Conservation Centre as well as the longest-standing salmon hatchery in Canada.

Although over the years the wild Atlantic salmon population has seen a significant decline in much of the Atlantic region, the closure of commercial fisheries and the introduction of strict recreational fishing regulations, such as the catch and release program, have resulted in the Miramichi River salmon maintaining a relatively healthy and stable population. This is certainly a very encouraging sign for the recreational salmon fishery in northern New Brunswick.

The ASF study also included a specific case study of the Miramichi River and estimated the annual economic value of the recreational salmon fishing industry in the Miramichi region

to be approximately \$16 million in GDP and \$20 million in annual spending. This salmon industry also accounts for 637 full-time jobs and, to quote the study further, represents about 35 per cent or one in every three jobs for the food services and accommodations sector in this area.

The Restigouche River is located in the northwestern region of New Brunswick, bordering the province of Quebec, and is also world-renowned for its salmon runs and, most notably, the size of its salmon, which often spend more than two years at sea before returning to spawn. In 1998, the 55-kilometre stretch of the Upper Restigouche River was designated part of the Canadian Heritage Rivers System, which is mandated to oversee the conservation of the natural, cultural and recreational values of this magnificent river system.

Another of New Brunswick's majestic rivers, the Saint John River, expands approximately 673 kilometres from northern Maine to the shores of the Bay of Fundy located at the city of Saint John. Unlike the rivers of northern New Brunswick where salmon populations are now somewhat stable, the Saint John River and its neighbouring rivers of the inner and outer Bay of Fundy have experienced considerable declines in wild salmon stock resulting in the species' being designated as regionally endangered. As a consequence, recreational salmon fishing is no longer permitted within these areas.

The Miramichi, Restigouche and Saint John rivers are but a few examples of the many rivers and their bordering communities within New Brunswick and throughout Atlantic Canada that have been negatively impacted by decreasing Atlantic salmon stocks.

• (1600)

I am also reminded of the beautiful Hammond River that is located near my home in southern New Brunswick, and very close to Senator Day's home in Hampton, which, some years ago, also boasted of renowned salmon fishing. However, as I mentioned, all salmon fishing within the Saint John River system, including the Hammond River, has been suspended in support of Atlantic salmon restoration and conservation efforts.

In this regard, I do want to acknowledge and applaud the dedication and excellent efforts of the Hammond River Angling Association, a group of volunteer anglers and conservationists who, since 1977, have been working diligently to ensure that the Hammond River returns to its once proud Atlantic salmon run status.

Honourable senators, fishing has always been part of Atlantic Canada's identity. For many, it is still a critically important part of everyday life. It is a tradition that has been passed down from generation to generation, from fathers to sons and daughters. In this regard, Senator Meighen's inquiry into the recreational salmon fishery has provided a much-needed opportunity to cast light not only upon the importance of the economic value of salmon fishing, but also upon a long-standing Canadian tradition that is very much at risk.

Most importantly, and above all else, the wild salmon populations must be restored and sustained. They absolutely must. As confirmed by the Atlantic Salmon Federation study,

saving the Atlantic salmon will both protect and increase employment opportunities in Atlantic Canada; it will generate tourism and stimulate our economy; and it will uphold the truly unique experiences and traditions of our wild Atlantic salmon fishery.

In referring to these Atlantic salmon experiences and traditions, the ASF commented that dissolving the initial perception of salmon as food and making it a prized experience is the major influence that has created the industry that now exists.

Despite the decline in salmon stocks and the enactment of strict salmon fishing regulations, anglers from around the world continue to travel to Atlantic Canada to fish our beautiful rivers and waterways for the wild Atlantic salmon. This is an indisputable indicator that salmon fishing is about much more than harvesting.

In fact, I believe that harvesting has very little to do with the fishing experience. The ASF study describes this fishing experience as "seeking a retreat in the wilderness for the enjoyment of leisurely fishing has now become a coveted seasonal tradition for many individuals, as evidenced by the widespread participation and spending on recreational fishing in Canada . . . every one that carves out a few days or weeks each summer for salmon fishing, or creates a camp of their own, is also partaking in a piece of history, tradition and luxury in their own way."

As also evidenced by the ASF's study's public survey, Atlantic Canadians have demonstrated over 80 per cent support for continued public investment in salmon restoration initiatives. The study also concludes that return on this investment can be expected to occur within six years.

Honourable senators, the Department of Fisheries and Oceans Canada has responsibility for the management and conservation of our wild Atlantic salmon stocks. There is no doubt in my mind, and in the minds of many others, that in order for our Atlantic salmon population to return to acceptable levels that are both sustainable and stable, it is absolutely necessary that the department continue to be provided, in a consistent manner, with the means and resources necessary to continue implementation of effective Atlantic salmon conservation strategies.

The wild Atlantic salmon has always been at the heart of Atlantic Canada's journey through history, and we must never forget that it is part of us.

Investing in the protection, preservation and growth of our Atlantic salmon stocks will provide direct benefits to employment and the economies of our region, and particularly within our rural communities. We must also appreciate, however, that the wild Atlantic salmon is more than solely a commodity. We must recognize and appreciate it for what it is, and that is a symbol of our heritage, our roots, our identity and our traditions. Protecting and enhancing this outstanding species is not only a wise economic investment; it is an investment in the protection of our Canadian heritage.

Honourable senators, having grown up fishing in New Brunswick from my earliest days with my father and my grandfather, I know that there is a very personal and spiritual nature to the fishing experience that is unparalleled. It ties us and grounds us to the tranquility and beauty of our natural environment. It connects us to what we are. It connects us to our ancestors.

Honourable senators, I strongly support Senator Meighen's inquiry. I believe that strong and effective action must continue to be taken to ensure that the stocks of wild Atlantic salmon are protected and restored for the benefit of our future generations so that they may also be able to share in this wonderful personal experience and carry with them this proud tradition and symbol of our Atlantic Canadian identity.

Hon. Joseph A. Day: Honourable senators, I would like to thank the honourable senator for his comments. I wholeheartedly embrace his comments.

I would add two or three other rivers in New Brunswick in the southern part of the province and one in particular. I remember as a young fellow seeing the salmon. You could almost walk across the river on the backs of salmon, and there are none coming back now. I am referring to the Big Salmon River flowing into the Bay of Fundy. The Bay of Fundy, itself, was very close to becoming one of the seven modern wonders of the world. The Bay of Fundy is an incredible ecosystem that I would like to maybe talk a little bit more about.

I fully support the inquiry of Senator Meighen. I note that he has referred not just to Atlantic Canada, but to Canada and the importance of the Atlantic fishery in Canada. I understand that there is some commercial growing of Atlantic salmon even in British Columbia because of the higher quality of the salmon from the Atlantic region.

Honourable senators, normally I would ask for the adjournment, but I do see that this matter was already adjourned in the name of Senator Moore, so I will have my opportunity in due course. I assume the normal protocol will be followed here and that it will go back to Senator Moore for his opportunity to speak on this matter.

The Hon. the Speaker: As long as honourable senators are agreeable, perhaps we can agree that Senator Wallace had asked and received permission for five more minutes, that we were into questions and comments and Senator Day had made his comments, and we had agreed the inquiry continued to stand in the name of Senator Moore. Is it agreed?

Hon. Senators: Agreed.

(On motion of Senator Moore, debate adjourned.)

[Senator Wallace]

• (1610)

[Translation]

PRIVATE MEMBERS' BILLS

INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Greene calling the attention of the Senate to the modernization of the practices and procedures of the Senate Chamber with a focus on private members' bills.

Hon. Gerald J. Comeau (Acting Deputy Leader of the Government): Honourable senators, I note that this is the 14th day for this inquiry, and I know that Senator Carignan wants to talk about it some more, but he is still working on his research. Therefore, I would like to adjourn the debate for the rest of his time.

(On motion of Senator Comeau, for Senator Carignan, debate adjourned.)

FOOD BANKS

INQUIRY—DEBATE ADJOURNED

Hon. Fernand Robichaud rose pursuant to notice of March 6, 2012:

That he will call the attention of the Senate to the importance of food banks to families and the working poor.

He said: Honourable senators, today I would like to talk about the important role that food banks play in the lives of the poor.

Food banks exist because the government's efforts do not meet people's needs. They exist for another reason, too: because there are still people in this country who deeply believe in sharing with their fellow human beings.

In most of our communities, food banks rely on volunteers for their survival and ongoing operation. Food and clothing banks enable many families and individuals to get through tough times. Since they first appeared in urban centres in Western Canada, food banks have opened up across the country.

There are now more than 800 food banks in Canada and over 3,000 food programs. Food Banks Canada's 2011 report — I believe all honourable senators have received a copy of this report — describes a vast network that offers a real helping hand to many families and individuals.

These are places where the less fortunate can go to get food for themselves and their children. Some food banks also distribute furniture and clothing. They sometimes even offer nutrition classes and organize collective or community kitchens. Volunteers sometimes get together to demonstrate to underprivileged families

how to cook healthy, balanced meals. Also, just across the river in Gatineau, for instance, there are volunteers who meet up to prepare meals that are then distributed.

Why does someone go to a food bank? Because poor people simply cannot survive on what they earn or what they receive in social assistance. More often than not, exceptional circumstances force people to turn to food banks for help.

Over the past year, nearly a million people — 851,000 including 322,000 children — have had to turn to food banks. That is 26 per cent more than before the 2008-09 recession.

What does that mean, you might ask? These numbers symbolize a sad reality: the economic recovery is not going as well as planned and more and more people are still having difficulty making ends meet.

I would also note that the recovery, if it is happening at all, is not happening equitably. Not only are more vulnerable people paying the price, but the gap between rich and poor continues to grow.

In New Brunswick in 2011, 18,539 people used the services of a food bank, and 34 per cent of those people were children under 18. This means that the parents of 5,302 children counted on food banks to feed their families. That is nearly 20 per cent more than before the recession. The numbers from New Brunswick are comparable to those in other Canadian provinces.

Who are these people who use food banks? The profiles are varied and there is not a single typical profile. There are families with children; there are the working poor, in other words, people who work, but do not earn enough money to pay for their basic needs. There are also individuals receiving social assistance and people on a fixed income, including people with disabilities and seniors. There are even people who had steady jobs, but whose lives, for a variety of reasons, unravelled and they ended up on the street.

I recently visited Vestiaire Saint-Joseph in Shediac, New Brunswick, and I witnessed the absolutely extraordinary work of the volunteers there. The directors of Vestiaire Saint-Joseph informed me that in 2010-2011, relief was given to 1,070 people, 405 of whom were children. This total number of people includes 470 families, a quarter of which are single parent families.

The 75 volunteers at this agency worked 12,431 hours over the past year. These volunteer workers are like the support beams of a wall that protects the most vulnerable. These volunteers are people who are devoted to collecting and handing out food; people who collect, repair and organize clothing and furniture for their clients; people who know how to welcome with respect and empathy those who come asking for help. These dedicated volunteers work hard serving others, with respect and compassion.

Honourable senators, allow me to add something here. In honour of National Volunteer Week, which was from April 15 to 21, 2012, I want to pay tribute to all our volunteers across the country who devote themselves with generosity, commitment and energy to making a difference in the lives of their fellow citizens. I commend them and encourage them to keep up the good work.

Large food banks raise funds and rely on community generosity to survive. Many socially responsible businesses in south-eastern New Brunswick donate to an umbrella organization, Food Dépôt Alimentaire, which supplies food banks in the region.

Turkey Farmers of Canada is another socially responsible organization. In cooperation with Food Banks Canada, it provided a turkey dinner to 6,000 families in need at Thanksgiving. Turkey Farmers of New Brunswick was proud to participate in the program.

Honourable senators, hunger impedes normal childhood development. For poor children, being hungry does not mean missing the occasional meal. Unfortunately, for poor children, being hungry is a way of life. It is what they face every day, along with the many negative consequences of malnutrition.

These children experience significant physical, social and cognitive developmental delays. Children suffering from hunger can be more hyperactive, aggressive, irritable and even anxious. Their school attendance is spotty, and their academic outcomes can be poor as a result. Unfortunately, poor children are more likely than others to be drawn into the world of crime.

When I visited the Vestiaire Saint-Joseph, I learned that over a quarter of the 470 families the organization helps are single-parent families.

• (1620)

Most single-parent families are headed by women. Those who manage to find work to support their families are often part of the working poor.

The working poor have to make many decisions every day: pay the rent or buy the groceries? Buy prescriptions or food for the children? Put gas in the car to seek health care or put food on the table? The working poor have so many heart-wrenching decisions to make. Food banks are there to help people and to give them hope that they will escape poverty.

Often, people are thrust into poverty from one day to the next for many different reasons. Car repairs, a rent increase, a sudden illness, the loss of employment or a work accident can wreak havoc on their modest budget, which is already very tight. Even delays in employment insurance cheques can force the working poor to go to a food bank. I was told about a poor worker and his family who ended up on the street because they could not pay their rent on time.

Marital separation also contributes to poverty. In some cases, there is no support being paid or, if there is, it may not be enough. Sometimes delays in receiving support payments force people to ask for help.

The food banks become lifesavers that prevent poor workers and their families from going under. The food banks provide food, toiletries, diapers and clothing for children and adults. And the money that poor workers save by using food banks can be used to pay for other basic needs, such as housing, utilities, heating and medicine.

Sometimes single women are also forced to turn to food banks to survive. I would like to share with you what one 53-year-old woman said about the support she receives from her local food bank:

I receive \$537 a month in social assistance. My rent is \$265 a month. After paying my bills, I have nothing left. So I have to come here [to the food bank] every lunch hour, because otherwise, I would not be able to eat every day. I also get my clothes here.

Honourable senators, how many of us could get by on \$537 a month or \$6,444 a year? Think about it. This is how much money poor families are supposed to survive on. And if you were single with a child, how could you possibly survive on \$809 a month or \$9,708 a year?

According to 2011 statistics gathered by Vestiaire Saint-Joseph, over 7 per cent of its users are seniors. Unfortunately, in Canada, too many seniors have to turn to food banks to survive: 4.4 per cent in urban settings and 5.7 per cent in rural areas. I will come back to poverty among seniors another time.

In conclusion, honourable senators, there is no doubt that food banks are on the front lines, trying to alleviate the problem of hunger. They were conceived as a temporary measure, but their necessity has caused to them to continue to exist and their numbers are only increasing.

Many people do not realize just how serious a problem hunger is in this country. These are the people and families we do not see. They are there, but we do not see them. We realize they exist only when we go to a food bank, where we see them coming for food.

Unfortunately, there is a popular belief that the people who use food banks do not really need them. To anyone who shares this belief, I would like to say: go and see for yourself. Most of the people at the food bank have been referred there and have real needs.

Honourable senators, I would like to move that further debate on this item be continued at the next sitting of the Senate, when I will finish my remarks.

(On motion of Senator Robichaud, debate adjourned.)

[English]

PREVENTION AND ELIMINATION OF MASS ATROCITIES

INQUIRY—DEBATE ADJOURNED

Hon. Roméo Antonius Dallaire rose pursuant to notice of April 24, 2012:

That he will call the attention of the Senate to Canada's continued lack of commitment to the prevention and elimination of mass atrocity crimes, and further calling on

[Senator Robichaud]

the Senate to follow the recommendation of the United Nations Secretary General in making 2012 the year of prevention of mass atrocity crimes.

He said: Honourable senators, at this late hour I think a moment of levity might be of use before I say a few words on my inquiry and then ask that the rest be deferred to next week.

I return to my favourite book on Winston Churchill's wicked wit. I thought I would recount an anecdote for honourable senators. Newly elected in the House of Commons in the year 1900, young Winston Churchill thought that a moustache might add dignity and maturity to his youthful looks. I certainly believe in that.

Not long after, a woman came up to him and said forthrightly: "There are two things I don't like about you, Mr. Churchill — your politics and your moustache." Already then it would seem he was never at a loss for the satisfying retort. "My dear madam," he replied, "pray do not disturb yourself. You are not likely to come into contact with either."

The subject that I want to bring to your attention is no laughing matter, of course. This is the prevention of mass atrocities and particularly the United Nations Secretary-General's proposal that 2012 be the year of prevention of mass atrocity crimes. Today we have just learned that Charles Taylor has been found guilty of crimes against humanity with the Sierra Leone war.

I will present to you in my inquiry at the next sitting the details of how I believe Canada can and should play a significant role in advancing the prevention of mass atrocities, not just responding to catastrophic events but actually being engaged in the prevention thereof. In so doing, we can take a leadership role and be simpatico with our good neighbours to the south. That is not always the area where I look for leadership or necessarily an example, but certainly President Obama and his administration have moved significantly over the last days to bring forward some very deliberate policy positions and actions that will set the American government and its institutions well on the way to being able to respond in a proactive way to catastrophic scenarios that are still being played out in countries, for example Darfur, Syria, which we know so well, and the Congo, from where I have just returned.

I request, honourable senators, that I return to you at the next sitting for the rest of my time.

(On motion of Senator Dallaire, debate adjourned.)

• (1630)

THE SENATE

MOTION TO URGE GOVERNMENT TO MAKE SPORTING FACILITIES AVAILABLE ONE DAY ANNUALLY AT A REDUCED OR COMPLIMENTARY RATE—DEBATE ADJOURNED

Hon. Nancy Greene Raine, pursuant to notice April 4, 2012, moved:

That the Senate of Canada urge the Government of Canada to encourage local governments from coast to coast to coast to collaborate in choosing one day annually to

make their health, recreational sports, and fitness facilities available to citizens at a reduced or complimentary rate, with the goals of promoting the use of those facilities and improving the overall health and well-being of Canadians for the reasons that:

- (a) although Canada's mountains, oceans, lakes, forests, and parks offer abundant opportunities for physical activities outdoors, an equally effective alternative opportunity to take part in physical activities is offered by indoor health, recreational sports, and fitness facilities;
- (b) despite its capacity to be a healthy and fit nation, Canada is experiencing a decline in participation rates in physical activities, with this decline having a direct consequence to health and fitness;
- (c) local governments operate many public facilities that promote health and fitness, and those facilities could be better utilized by their citizenry;
- (d) there is a growing concern in Canada over the rise in chronic diseases, which are attributable, in part, to inactivity and in turn can cause other impediments to achieving and maintaining a healthy lifestyle;
- (e) health and fitness should be promoted and encouraged by all levels of government, to Canadians of all ages and abilities; and
- (f) we aspire to increase participation by Canadians in activities that promote health, recreational sports, and fitness.

She said: Honourable senators, before we broke for Easter, I gave notice of this motion to establish a national health and fitness day. My motivation was simple. We have a national epidemic of obesity in Canada, and it is especially a concern among children and youth.

Curbing obesity rates will not be easy as our lifestyle, replete with pop, junk food, too much screen time and a drive-everywhere transportation system makes it easy to get too many calories and not enough can exercise, especially for school children. The problem is compounded for disadvantaged families, when the cost of taking part in sports programs is beyond the family budget. Fitness tax credits have helped many families, but not those living in poverty.

It will take a multi-faceted approach to turn things around, just as it took in the campaign against smoking. We need to address everything from getting quality physical education back in the schools to teaching people how to prepare nutritious meals. We may need to regulate levels of sodium and sugar in prepared foods, and maybe we should think about taxing soft drinks. I do not for a minute think any of these actions will be easy as there are powerful interests lined up to fight against regulation. However, as long as the taxpayer is paying for health costs, the government does have a role to play in the prevention of poor health, but I digress.

Honourable senators, today I want to talk about one small step we can take which is why I am pleased to introduce the motion calling for a national health and fitness day. This concept has been initiated by John Weston, a member of Parliament from my province, and he has my full support. He will be introducing a similar motion in the House of Commons in the near future. I hope we can count on your support, too.

The motion calls for the national health and fitness day to occur annually and we are proposing the first Saturday in June. We are asking the federal government to call on local governments to collaborate in choosing this one day every year to make their sports and fitness facilities available to all citizens at a reduced or complimentary rate. The goal is to promote the use of these facilities and to get more people, especially families, using them on a regular basis.

I have spoken to mayors of communities in my region and all of them expressed support for the concept. Many of them told me that they were already concerned about a decline in the utilization of some of their facilities and that a national focus on a free-use day could well introduce new users to their existing programs and facilities.

I hope that a national health and fitness day will be supported and that it will achieve its objective of getting more Canadians to participate in fitness and sports activities.

Obesity rates are discouraging. The latest statistics I have seen show that approximately one in four adults are now obese and more than half of our population is overweight. Not only does this mean that many people are not living their life to the fullest, but the economic cost to Canadian taxpayers is staggering.

It was estimated at \$4.6 billion in 2008 and when one adds the costs of obesity related chronic diseases, such as diabetes, heart disease and certain cancers, the costs rise to over \$7 billion. It is not surprising that health ministers from federal, provincial and territorial governments have joined together to tackle the issue. Simply put, if we cannot get rising health costs under control, we will be doomed to increasing deficits and debt, and we know where that leads.

I believe that municipal governments are also ready to tackle the issue and, as they operate most of their playing fields, gymnasiums, tennis courts and other recreational sports facilities, they are definitely in a position to help. A dedicated national health and fitness day, when their citizens are invited to come and play, is something tangible they can do to promote increased activity.

Honourable senators, I mentioned earlier the obesity rates for adults. Now I want to tell you how bad it is for our youth and children. Think back to when we were in school; there were few kids who were fat. In fact, they stood out they were so rare. Over the years things have really changed and 35 years ago, 15 per cent of children and youth aged 2 to 17 were either overweight or obese. By 2004 that rate had risen to 26 per cent including 8 per cent classed as obese. Canada has one of the highest rates of childhood obesity in the developed world, ranking fifth out of the 34 OECD countries.

Honourable senators, my objective is not so much to shock you, but to get you to realize that we, as senators, can play a role in raising awareness of the obesity issue and urging action at the community level to promote healthy active living and sport in our communities. The more we can do to encourage Canadians to be physically active, the more we will help to prevent chronic disease and start to reduce the escalating health care costs.

Honourable senators, in a country like Canada with abundant opportunities for physical activity both indoors and out, we must do everything possible to get Canadians to be active. I call on honourable senators to support this motion to create a national health and fitness day in Canada.

On a personal level, honourable senators, I would like to remind you that on May 9 we will have a special bike day on Parliament Hill for all parliamentarians and on May 16 a national lifejacket and swim day on the Hill. Both days will be chances for all of us to get involved.

(On motion of Senator Munson, debate adjourned.)

[Translation]

ADJOURNMENT

MOTION ADOPTED

Hon. Gerald J. Comeau (Acting Deputy Leader of the Government): Honourable senators, with leave of the Senate and notwithstanding rule 58(1)(h), I move:

That when the Senate adjourns today, it do stand adjourned until Tuesday, May 1, 2012 at 2 p.m.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

(Motion agreed to.)

(The Senate adjourned until Tuesday, May 1, 2012 at 2 p.m.)

CONTENTS

Thursday, April 26, 2012

	PAGE		PAGE
SENATORS' STATEMENTS		Health	
Daffodil Day		Women's Health Contribution Program.	
Canadian Cancer Society.		Hon. Céline Hervieux-Payette	1695
Hon. Marjory LeBreton	1690	Hon. Marjory LeBreton	1695
Women's Health Contribution Program		Fisheries and Oceans	
Hon. Céline Hervieux-Payette	1690	Coast Guard—Rescue Coordination Centres.	
International Trade		Hon. Pierre De Bané	1696
Hon. Suzanne Fortin-Duplessis	1691	Hon. Marjory LeBreton	1696
<hr/>		<hr/>	
ROUTINE PROCEEDINGS		ORDERS OF THE DAY	
Auditor General		Criminal Code (Bill S-209)	
Letter Pertaining to Results of French Language Training		Bill to Amend—Second Reading.	
Assessment Tabled.		Hon. Larry W. Campbell	1697
Hon. Gerald J. Comeau	1691	Referred to Committee	1697
Aboriginal Peoples		National Strategy for Chronic Cerebrospinal	
Budget and Authorization to Engage Services and Travel—		Venous Insufficiency (CCSVI) Bill (Bill S-204)	
Fifth Report of Aboriginal Peoples Committee Presented.		Second Reading.	
Hon. Gerry St. Germain,	1691	Hon. Betty Unger,	1697
Industrial Alliance Pacific Insurance and Financial Services Inc.		Referred to Committee	1699
(Bill S-1003)		Purple Day Bill (Bill C-278)	
Private Bill—Eleventh Report of Legal and Constitutional		Second Reading.	
Affairs Committee Presented.		Hon. Judith Seidman	1699
Hon. Bob Runciman,	1692	Referred to Committee	1702
National Finance		Criminal Code (Bill C-290)	
Notice of Motion to Authorize Committee to Study Tax		Bill to Amend—Second Reading—Debate Continued.	
Consequences of Various Public and Private Advocacy		Hon. George Baker	1702
Activities Undertaken by Charitable and Non-charitable Entities.		National Flag of Canada Bill (Bill C-288)	
Hon. James S. Cowan,	1692	Second Reading—Debate Adjourned.	
<hr/>		Hon. Pamela Wallin	1703
QUESTION PERIOD		Hon. Roméo Antonius Dallaire,	1705
Industry		Hon. Joseph A. Day,	1706
Community Access Program.		Recreational Atlantic Salmon Fishing	
Hon. Jane Cordy	1692	Economic Benefits—Inquiry—Debate Continued.	
Hon. Marjory LeBreton	1692	Hon. John D. Wallace	1707
Hon. Sandra Lovelace Nicholas,	1693	Hon. Joseph A. Day,	1710
Hon. Terry M. Mercer	1693	Private Members' Bills	
Canadian Heritage		Inquiry—Debate Continued.	
Canada Periodical Fund.		Hon. Gerald J. Comeau	1710
Hon. Maria Chaput	1694	Food Banks	
Hon. Marjory LeBreton	1694	Inquiry—Debate Adjourned.	
Hon. Claudette Tardif	1694	Hon. Fernand Robichaud	1710
International Cooperation		Prevention and Elimination of Mass Atrocities	
Foreign Aid for Maternal and Infant Health		Inquiry—Debate Adjourned.	
in Developing Countries.		Hon. Roméo Antonius Dallaire,	1712
Hon. Céline Hervieux-Payette	1695	The Senate	
Hon. Marjory LeBreton	1695	Motion to Urge Government to Make Sporting Facilities	
		Available One Day Annually at a Reduced	
		or Complimentary Rate—Debate Adjourned.	
		Hon. Nancy Greene Raine,	1712
		Adjournment	
		Motion Adopted.	
		Hon. Gerald J. Comeau	1714



If undelivered, return COVER ONLY to:
Public Works and Government Services Canada
Publishing and Depository Services
Ottawa, Ontario K1A 0S5



